DOCUMENT RESUME

ED 123 370 CE 007 106

TITLE	The Vocational Education and National Institute of Education Amendments of 1976, House of Representatives, Ninety-Fourth Congress, Second Session.
INSTITUTION	Congress of the U.S., Washington, D.C. House Committee on Education and Labor.
REPORT NO	HR-94-1085
PUB DATE	4 May 76
NOTE	220p.
EDRS PRICE	MF-$0.83 HC-$11.37 Plus Postage.
DESCRIPTORS	*Educational Legislation; Educational Planning; Educational Programs; *Federal Aid; *Federal Legislation; *Federal Programs; Federal State Relationship; State Federal Aid; *Vocational Education
IDENTIFIERS	*Vocational Education Amendments 1976

ABSTRACT

The 1976 Vocational Education and National Institute of Education amendments of the Vocational Education Act of 1963 are presented, constituting H.R. (House of Representatives) bill 12835. The committee bill contains major amendments increasing the level of Federal funding for the Vocational Education Act, improving the administration of the program, and eliminating sex bias and sex stereotyping as well as a number of other necessary amendments. These amendments, presented in the order of appearance in the bill, deal with: extension of present programs; authorization and allotments; Indians; State administration; Federal administration; advisory councils: general application; definitions; annual accountability reports; evaluation and followup; data collection and use; sex discrimination and sex stereotyping; consolidation; programs for disadvantaged, handicapped, and postsecondary students; homemaking education; national programs; and budgetary considerations. An extensive examination of the proposed amendments and section-by-section analyses are presented. (Author/LH)

****
* Documents acquired by ERIC include many informal unpublished *
* materials not available from other sources. ERIC makes every effort *
* to obtain the best copy available. Nevertheless, items of marginal *
* reproducibility are often encountered and this affects the quality *
* of the microfiche and hardcopy reproductions ERIC makes available *
* via the ERIC Document Reproduction Service (EDRS). EDRS is not *
* responsible for the quality of the original document. Reproductions *
* supplied by EDRS are the best that can be made from the original. *
****

ED123370

MAY 17 1976

94TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 94-1085

THE VOCATIONAL EDUCATION AND NATIONAL INSTITUTE OF EDUCATION AMENDMENTS OF 1976

MAY 4, 1976.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. PERKINS, from the Committee on Education and Labor, submitted the following

U S DEPARTMENT OF HEALTH,
EDUCATION & WELFARE
NATIONAL INSTITUTE OF
EDUCATION

THIS DOCUMENT HAS BEEN REPRODUCED EXACTLY AS RECEIVED FROM THE PERSON OR ORGANIZATION ORIGINATING IT. POINTS OF VIEW OR OPINIONS STATED DO NOT NECESSARILY REPRESENT OFFICIAL NATIONAL INSTITUTE OF EDUCATION POSITION OR POLICY

REPORT

together with

ADDITIONAL VIEWS

[To accompany H.R. 12835]

The Committee on Education and Labor, to whom was referred the bill (H.R. 12835) to amend the Vocational Education Act of 1963, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Strike out all after the enacting clause and insert in lieu thereof the matter which appears in italic type in the reported bill.

Amend the title so as to read:

> A bill to amend the Vocational Education Act of 1963, to extend the authorization of appropriations for the National Institute of Education and establish priorities on which resources of the Institute will be concentrated, to make certain technical and perfecting amendments to the Education Amendments of 1974 (Public Law 93-380), and for other purposes.

TITLE I—VOCATIONAL EDUCATION

SUMMARY

Title I of the bill deals with amendments to the Vocational Education Act of 1963. These amendments extend existing programs, essentially unamended, through fiscal year 1977, except for the residential school programs which are repealed and except for a new authorization of appropriations to take effect in 1977 to assist States in improving their planning.

CE007108

The major amendments to the Act take effect in fiscal year 1978. The basic purpose of these amendments is to simplify the administration of the Act while achieving greater accountability for the funds. These amendments are also intended to increase the funding being provided for vocational education and to eliminate sex bias and sex stereotyping in vocational education.

These amendments require the States to develop two three-year plans for vocational education, the first plan to be developed during fiscal year 1977 and the second plan during fiscal 1980. The State boards of vocational education, which are responsible for administering the program, must involve the State agencies for higher education and employment and training and the State advisory council on vocational education in writing these plans. These plans must set out in precise detail the proposed uses of vocational education funds and the reasons for choosing those uses.

During the implementation of the three-year State plans each State has to submit an annual accountability report showing the extent to which it has achieved the objectives of its plan. The requirements in present law for submission of annual State plans and for the submission of a great deal of "boiler plate" language in these State plans are replaced with a provision requiring each State to maintain on file with the Commission of Education a single permanent application containing broad assurances with regard to the administration of the program.

All the categorical programs authorized in the present Vocational Education Act are consolidated into a block grant to the States so that each State can decide how much to expend on each one of these programs, with the exception of the bilingual vocational program and the homemaking education program, both of which are retained as separate categorical programs. The homemaking education program is amended to require the States to encourage both men and women to participate in the programs, to emphasize consumer education, family resource management, and life skills, and to achieve outreach into the community. The bilingual vocational program is amended to authorize the use of funds for training of teachers and for the development of curriculum materials.

The regular vocational education program is proposed to be improved by requiring that every State evaluate the effectiveness of each local program once during the three years of the State plan. Evaluations of programs offering entry-level job skills must show, on a sample basis, the placement of graduates and leavers and their employers' opinions of their training. Other improvements are new requirements that any Federal funds used for State administration must be matched by State expenditures and that Federal funds used for the disadvantaged and the handicapped must be matched by State and local funds for those purposes.

These amendments also require the Federal government to make available more appropriate job data for use in formulating local programs and to conduct fiscal and program audits of the States during a four-year period. Better coordination between the vocational education program and the program authorized by the Comprehensive

Employment and Training Act is proposed to be achieved by requiring cross-memberships on State and national vocational education and employment and training advisory councils.

These amendments also require the States to make efforts to overcome sex bias and sex stereotyping in vocational education by offering special training programs for women to enter job areas which have traditionally been considered male and programs for men to enter job areas which have traditionally been considered female. States also have to adopt policies to encourage the elimination of sex bias and sex stereotyping by local school districts and other public agencies.

The Commissioner's discretionary funds under the separate categorical programs are consolidated into a block grant to be used for research, exemplary, and curriculum development programs and for teacher fellowships. The Commissioner is required to conduct a study of sex bias and sex stereotyping in vocational education and to report to Congress in 1978 on efforts to eliminate such bias and stereotyping. A comprehensive study of vocational education is required to be conducted by the National Institute of Education and to be submitted to Congress in 1980. The Institute must submit a separate study of home economics in 1979.

The total authorizations for all the programs under the Vocational Education Act are reduced from a level of approximately $980,000,000 for fiscal year 1976 to approximately $720,000,000 for fiscal year 1977. The authorizations are then increased every year thereafter beginning with an increase to approximately $973,000,000 in fiscal year 1978 and going to approximately $1,450,000,000 in fiscal 1982 and for every year thereafter.

LEGISLATIVE CONSIDERATION

The Subcommittee on Elementary, Secondary, and Vocational Education conducted a total of forty-six days of hearings on various proposals to amend the Vocational Education Act: nine days during the second session of the 93rd Congress and thirty-seven days during the 94th Congress. The Subcommittee conducted a mark-up session on the various bills to amend the Vocational Education Act on March 23, 1976. As a consequence of this mark-up session, H.R. 12835 was drafted and introduced on March 29, 1976 by all the members of the subcommittee. H.R. 12835 was considered in mark-up sessions on March 30, 1976 and April 1, 1976 at which time the subcommittee ordered the bill reported with amendments to the full committee by a vote of 18–0.

The full Committee on Education and Labor considered H.R. 12835 in a mark-up session on April 8, 1976 and ordered the bill reported with amendments to the House by a vote of 37–0. On April 13 the committee reconsidered its action and voted to combine the provisions of H.R. 12835 as earlier reported with the provisions of H.R. 5988 as earlier reported and to attach various technical and minor amendments to other laws and to report the new text as a committee amendment to H.R. 12835. The vote on this occasion was by voice and was unanimous.

NEED FOR THE LEGISLATION

Achievements of Present Law

Although Federal support for vocational education goes back to the Smith-Hughes Act of 1917, the Vocational Education Act of 1963 is the beginning point for the consideration of all recent Federal efforts to expand and improve vocational education. That Act created a permanent authority for Federal assistance to the States to fund broad types of job training for youths and adults through the schools. It also sought to update and upgrade vocational courses by requiring the United States Office of Education to fund national research, experimental, and developmental programs. New funding was also provided to the States for the construction of area vocational schools and for work study programs.

The Vocational Education Amendments of 1968 further expanded the flexibility afforded the States to offer broad training programs by removing the narrow purpose by purpose State matching of Federal expenditures required in previous Acts. Those amendments also sought to encourage the States to evaluate better the appropriateness of the job training they were offering and to coordinate better their programs with other Federal and State job training programs. In addition, those amendments sought further updating and upgrading of vocational programs by providing categorical funding for exemplary projects, cooperative education, curriculum development, and special programs for the disadvantaged. Federal support was also continued for the construction of area vocational schools and for work-study programs.

The States were required to give greater attention to persons with special needs by requiring that at least 15% of each State's basic grant must be used for the disadvantaged and at least another 10% must be used for the handicapped. The States were also encouraged to fund more programs for persons who had completed or left high school. Lastly, these amendments sought to provide greater Federal funding for poorer school districts and to involve greater lay participation in the planning and evaluation of the States' programs by creation of the State advisory councils on vocational education.

The Vocational Education Act of 1963 was last amended in the Education Amendments of 1974. Those amendments authorized the States to provide programs for youths in need of bilingual vocational training in the schools and to provide bilingual vocational training for adults through special programs.

Testimony presented during the Committee's two years of hearings showed that the 1963 Act and its 1968 amendments have dramatically changed vocational education. As Dr. Charles G. Williams, Deputy Superintendent of Public Instruction in South Carolina, stated: ". . . We readily acknowledge that the past decade has ushered in the greatest era of growth in the 57-year history of vocational education in South Carolina—owing primarily to the impact of the 1963 Federal Vocational Education Act and its 1968 Amendments."

Dr. Ewald Nyquist, New York Commissioner of Education echoed this sentiment:

> Significant change and progress has been made in vocational education during the 12 years of the Vocational Education Act. The Act permitted us to move from the rigid program based on the legislation of 1917 and 1946. In 1963, and to an extent again 1968, there was a need for mandatory expenditures for specific purposes. The States then needed Federal direction and leadership. In these past 12 years, State programs have increased in both quantity and quality.

The Committee's hearings showed that the Vocational Education Act of 1963 and its amendments have clearly achieved tremendous progress. This can be seen in greatly increased enrollments at all levels, especially among postsecondary students and among the disadvantaged and handicapped, greatly increased expenditures of funds for vocational education from local, State and Federal sources, the construction of thousands of area vocational schools throughout the country, an increase in the number of trained teachers, and an expansion in the number and variety of course offerings and occupational training areas.

Enrollment Growth.—From 1965 to 1974 total enrollments rose by 149% or by more than 8 million students. In 1974, there were over 13.5 million persons participating in vocational programs. A substantial portion of this growth took place following enactment of the 1968 amendments, with total enrollments increasing almost 70% since fiscal year 1969.

Although enrollment expansion under the Act occurred at all age levels, the greatest increase in numbers occurred at the high school level. Secondary enrollments grew by almost 200% since 1965, with more than 8 million students participating in 1974.

Some States experienced phenomenal growth at the secondary level. Ohio's secondary enrollments climbed by almost 450% since 1963, and West Virginia's enrollment since 1965 grew by 275% even though that State's total population declined during the last decade.

Following enactment of the '68 amendments, secondary enrollment more than doubled, with all States gaining. Data on a State by State basis in this area for the years 1969 to 1974 are not comparable because of discrepancies in including ninth graders; and for this reason and others the Committee has recommended legislation regarding data collection. Some trends may be gleaned, however, from considering changes between 1971 and 1974. Chart A shows State secondary enrollment growth between 1971 and 1974. During this period, five States and the District of Columbia experienced increases of over 100%; the national average was 29.28%.

CHART A

SECONDARY VOCATIONAL EDUCATION ENROLLMENT AND PERCENT OF CHANGE, FISCAL YEARS 1971, 1972, 1973 AND 1974

States	Secondary vocational education enrollment				Percent of change			
	1971	1972	1973	1974	1971-72	1972-73	1973-74	1971-74
U.S. total	6,487,446	7,211,527	7,348,666	8,387,026	11.16	1.90	14.13	29.28
Alabama	95,412	102,102	112,496	127,637	7.01	10.18	13.46	33.77
Alaska	8,575	11,874	13,686	15,124	38.47	15.26	10.51	76.37
Arizona	50,719	51,117	63,090	80,859	.78	23.42	28.16	59.43
Arkansas	59,140	67,351	69,841	77,552	13.88	3.70	11.04	31.13
California	553,918	592,622	542,436	640,918	6.99	8.47–	18.16	15.71
Colorado	59,080	52,043	53,960	72,710	11.91–	3.68	34.75	23.07
Connecticut	98,045	143,229	148,443	223,860	46.08	3.64	50.81	128.32
Delaware	32,610	38,153	43,298	43,737	17.00	13.49	1.01	34.12
District of Columbia	5,821	5,706	12,383	11,855	1.98–	117.02	4.26–	103.66
Florida	224,468	353,210	385,949	625,162	57.35	9.27	61.98	178.51
Georgia	174,144	178,222	226,504	253,562	2.34	27.09	11.95	45.60
Hawaii	28,760	23,893	20,230	25,898	16.92–	15.33–	28.02	9.95–
Idaho	21,894	22,686	24,582	28,584	3.62	8.36	16.28	30.56
Illinois	1,118,881	1,262,934	962,439	1,010,898	12.87	23.79–	5.04	9.65–
Indiana	86,479	101,506	105,760	107,292	17.38	4.19	1.45	24.07
Iowa	50,211	52,394	53,610	44,854	4.35	2.32	16.33–	10.67–
Kansas	42,447	49,023	47,600	58,210	15.49	2.90–	22.29	37.14
Kentucky	87,872	99,169	111,510	119,260	12.86	12.44	6.95	35.72
Louisiana	126,251	126,184	130,352	135,306	.05–	3.30	3.80	7.17
Maine	16,498	16,811	25,834	25,986	1.90	53.67	.59	57.51
Maryland	121,655	160,983	182,217	175,815	32.33	13.19	3.51–	44.52
Massachusetts	95,411	121,684	131,750	143,308	27.54	8.27	8.77	50.20
Michigan	164,234	182,185	185,978	207,622	10.93	2.08	11.64	26.42
Minnesota	171,958	177,203	153,552	158,411	3.05	13.35–	3.16	7.88–
Mississippi	59,473	63,543	71,931	76,482	6.84	13.20	6.33	28.60
Missouri	105,171	118,051	73,116	135,063	12.25	38.06–	84.72	28.42
Montana	16,707	21,333	23,448	34,405	27.69	9.91	46.73	105.93
Nebraska	38,336	41,113	48,458	55,043	7.24	17.87	13.59	43.58
Nevada	13,141	15,787	26,050	17,618	20.14	65.01	32.37–	34.07
New Hampshire	39,470	27,785	29,811	49,719	29.60–	7.29	66.78	25.97
New Jersey	218,747	232,657	246,272	270,822	6.36	5.85	9.97	23.81
New Mexico	38,732	44,718	53,762	57,198	15.45	20.22	6.39	47.68
New York	607,711	648,717	654,659	639,268	6.75	2.46	3.82–	5.19
North Carolina	200,729	231,751	255,212	294,329	15.45	10.12	15.33	46.63
North Dakota	16,470	20,067	24,353	28,278	21.84	21.36	16.12	71.69
Ohio	209,870	230,983	363,238	403,500	10.06	57.26	11.08	92.26
Oklahoma	61,518	62,041	69,022	70,876	.85	11.25	2.69	15.21
Oregon	65,756	74,899	71,271	78,179	13.90	4.84–	9.69	18.89
Pennsylvania	184,619	189,073	213,340	246,286	2.41	12.83	15.44	33.40
Rhode Island	12,026	13,250	19,713	19,654	10.18	48.78	.30–	63.43
South Carolina	79,411	85,407	103,493	108,100	7.55	21.18	4.45	36.13
South Dakota	18,291	19,537	21,214	22,559	6.81	8.58	6.34	23.33
Tennessee	95,472	96,495	97,992	104,438	1.07	1.55	6.58	9.39
Texas	327,684	329,887	349,478	413,056	.67	5.94	18.19	26.05
Utah	78,947	76,858	69,149	111,833	2.65–	10.03–	61.73	41.66
Vermont	10,449	12,192	14,335	[1] 30,551	16.68	17.58	113.12	192.38
Virginia	188,674	194,224	230,143	246,008	2.94	18.49	6.89	30.39
Washington	116,548	121,536	119,761	122,728	4.28	1.46–	2.48	5.30
West Virginia	33,176	38,524	41,215	46,815	16.12	6.99	13.59	41.11
Wisconsin	59,123	103,278	130,563	128,003	74.67	26.42	1.96–	116.48
Wyoming	14,113	17,181	15,806	16,615	21.74	8.00–	5.12	17.73
Puerto Rico	82,597	88,356	94,361	145,180	6.97	6.80	53.86	75.77

[1] This figure includes 13,858 career education students (K–6) not reported in previous fiscal years.

Source: U.S. Office of Education, Forms 3138 and 346–3, U.S. Department of Health, Education, and Welfare, Washington, D.C., fiscal years 1971, 1972, 1973 and 1974.

Under the Act of 1963 and especially the 1968 amendments, postsecondary vocational education assumed its place as an important and necessary component of a comprehensive job training system. Since 1965, postsecondary enrollments grew by over 659%. By 1974, over 1.5 million were enrolled in postsecondary programs. This exceeds the 1969 figure by 123%.

All States' postsecondary enrollments ballooned between 1969 and 1974. For some States, such as Alabama and Delaware, this was the period of largest growth.

CHART B

POSTSECONDARY ENROLLMENTS

State	1969	1974
Total	706, 085	1, 572, 779
Alabama	14, 399	25, 004
Alaska	303	1, 124
Arizona	7, 051	58, 732
Arkansas	5, 853	7, 475
California	149, 448	398, 911
Colorado	12, 597	19, 749
Connecticut	5, 803	8, 057
Delaware	192	6, 442
Florida	83, 717	104, 950
Georgia	14, 591	24, 890
Hawaii	2, 764	7, 598
Idaho	1, 831	4, 275
Illinois	24, 081	81, 469
Indiana	3, 924	9, 442
Iowa	6, 592	18, 355
Kansas	3, 929	8, 638
Kentucky	6, 329	13, 838
Louisiana	16, 282	23, 621
Maine	1, 569	2, 761
Maryland	6, 252	29, 325
Massachusetts	6, 873	16, 713
Michigan	22, 582	67, 106
Minnesota	12, 932	30, 565
Mississippi	5, 701	10, 628
Missouri	8, 335	14, 256
Montana	2, 080	3, 352
Nebraska	2, 787	9, 494
Nevada	1, 088	6, 342
New Hampshire	1, 332	2, 241
New Jersey	1, 927	30, 738
New Mexico	4, 995	5, 362
New York	42, 097	74, 197
North Carolina	16, 490	64, 214
North Dakota	3, 072	5, 304
Ohio	8, 376	23, 002
Oklahoma	2, 540	9, 899
Oregon	8, 161	29, 417
Pennsylvania	8, 653	29, 111
Rhode Island	552	2, 545
South Carolina	4, 374	34, 161
South Dakota	1, 080	2, 297
Tennessee	11, 720	23, 144
Texas	33, 778	72, 131
Utah	5, 882	10, 071
Vermont	537	262
Virginia	6, 915	23, 424
Washington	89, 016	24, 911
West Virginia	2, 035	4, 216
Wisconsin	17, 243	67, 310
Wyoming	922	3, 182

Source: Compiled from tables appearing in U.S. Office of Education publications, "Vocational Education, Annual Report/Fiscal Year 1969" and "Summary Data, Vocational Education, Fiscal Year 1974."

Witnesses before the Subcommittee testified that the '68 amendments were the motivating force behind this strengthening of the postsecondary system. Dr. Peter Masiko, Chairman of the Board of Directors of the American Association of Community and Junior Colleges, attributed this growth to the 15% minimum funding requirement for postsecondary programs contained in that legislation.

The 1968 amendments also helped to accelerate a change in the character of postsecondary vocational education which began a decade ago. A variety of higher education institutions, in addition to technical and agricultural schools, began to recognize an obligation to meet the demand for job-related training courses. By 1969 most community colleges had begun to provide vocational courses in a wide range of fields, and enrollments in these courses expanded rapidly after 1968. Nationally, only 13% of community college students were enrolled in occupational training programs in 1969; but by 1973 the total was

44%. In Pennsylvania, for example, the percentage of community college students enrolled in occupational courses rose 10% between 1969 and 1973. In Massachusetts, community college students made up only 15% of postsecondary occupational enrollments in 1964. By 1967, they made up 48%; and in 1974 they totaled 65%.

Around this time, some public four-year institutions began to realize the advantages of offering less-than-baccalaureate level vocational programs. In 1967, only 619 such programs enrolling 35,551 students could be located by the National Association of State Universities and Land Grant Colleges in its member institutions. In 1975, there were 2,123 such programs enrolling 105,931, NASULGC testimony revealed.

Adult enrollments, 1965 through 1974, showed the slowest rate of growth among all persons served; but nonetheless there was a 49% growth during that decade, increasing to more than 3.5 million people served in 1974. Since 1969, these programs have grown by 16% in enrollment.

Comparing enrollment figures with the total population for the age groups served is another way to measure the progress which has been made in the last few years. In 1965 only about one-fourth of all secondary school students were enrolled in vocational programs, with non-gainful home economics enrollments comprising about one-half of this total. This situation has improved greatly since then. In 1974, secondary vocational enrollments made up 47.2% of the total secondary school enrollment, with non-gainful home economics comprising only about one-third of this total.

CHART C

SECONDARY ENROLLMENT IN VOCATIONAL EDUCATION (GRADES 9 THROUGH 12) FISCAL YEARS 1965-74

	1965	1970	1971	1972	1973	1974
Total secondary enrollment [1]	11,628,000.0	13,282,000.0	13,597,000.0	[1] 14,100,000.0	[1] 14,242,000.0	[1] 14,357,000.0
Vocational education enrollment	2,819,250.0	4,714,451.0	5,111,273.0	5,622,777.0	[2] 5,953,962.0	[2] 6,750,694.0
Percentage in vocational education	24.2	35.5	37.6	39.9	41.8	47.2
Vocational education enrollment (less homemaking)	1,390,443.0	2,979,629.0	3,305,856.0	3,732,835.0	[2] 3,929,093.0	[2] 4,728,859.0
Percentage in vocational education (less homemaking)	11.9	22.4	24.3	26.5	27.5	33.1

[1] U.S. Office of Education, National Center for Educational Statistics. "Digest of Educational Statistics" (OE-10024-71), table 28, Washington: U.S. Government Printing Office.

[2] Estimated secondary vocational enrollment was not reported by grade. Based on previous years' data, enrollment in grades 9-12 was estimated at about 80% of the total secondary enrollment.

Source: Compiled from tables appearing in U.S. Office of Education publications, "Trends in Vocational Education, Fiscal Year 1971" and "Trends in Vocational Education, Fiscal Year 1974."

Greater percentages of high school graduates and adults without saleable skills are being served, although to a less impressive extent than secondary students. Again, comparable figures are not available from 1969 to 1974, but looking at a shorter time frame may give some indication of this growth. From 1971 to 1974, postsecondary enrollments as a percentage of the total population aged 20 to 24 rose from 6.5% to 9.0%. Adult enrollments during these years rose from 3.0% to 3.7% of the population aged 25-64.

The extent to which vocational education has improved in serving the general population may be estimated by looking at vocational enrollments per 1000 people of the total population. In 1961, according to testimony from the American Vocational Association, there were 21.4 persons enrolled for every 1000 of population. In 1966 the figure was 31.3, and it presently stands at 63.0 per 1000.

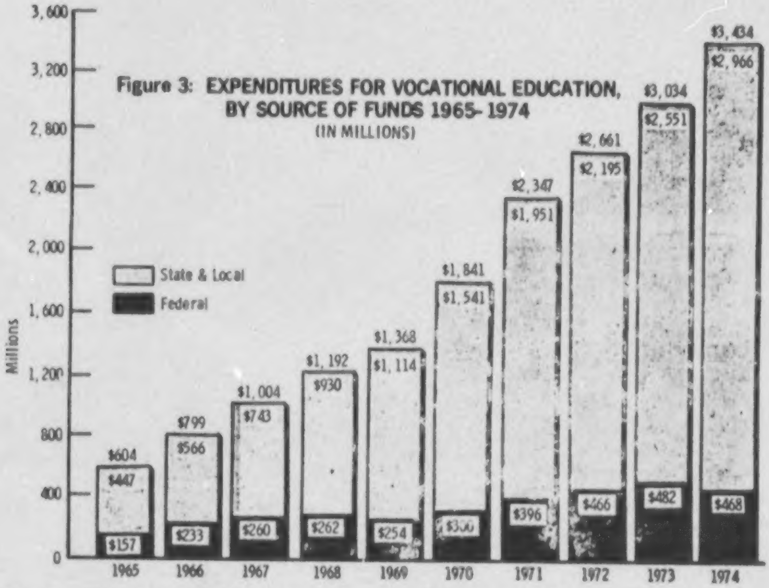
The 1968 amendments sought to have the States meet the needs of the disadvantaged and the handicapped much more than in the past. Progress has been made in this area although it seems that problems remain. The number of disadvantaged and handicapped served has doubled since 1968. By 1974 disadvantaged participants totaled over 1.6 million, and handicapped participants numbered over 234,000. However, these enrollment figures as a percentage of total enrollments peaked in 1972 and have decreased slightly since.

Expansion of State and Local Funding.—Total expenditures for vocational education, including Federal, State and local funds, have risen at a greater pace than enrollments since 1963. Expenditures increased more than 467% from 1965 to 1974, exceeding $3.4 billion in 1974. A growth of 151% has occurred since 1969.

Federal expenditures grew by more than 197% during this time, reaching over $468 million in 1974. There has been an 83% growth since 1969.

More significantly, State and local support climbed over 562% from 1965 to 1974, reaching almost $3 billion in 1974. Substantial gains have taken place since 1969, with State and local funds increasing 167% from 1969 to 1974. By 1974, State and local expenditures amounted to more than 86% of the total and had increased at a rate much greater than the Federal contribution. The following diagram shows this growth at all levels:

CHART D



SOURCE: Annual Reports, Division of Vocational and Technical Education, 1965–1974.

Although State and local funding far exceeds Federal funding and has been growing at a faster pace than Federal spending, many witnesses testified that the Federal commitment served as a catalyst for greater State and local contributions. "Though never fully funded, Federal participation has had a terrific impact," said Dr. James T. Horner, Chairman of Agricultural Education at the University of Nebraska. "The intention of Federal vocational legislation has always been cost sharing, not just initiating programs. Federal dollars have stimulated five-fold State and local financing of vocational programs."

Dr. Lyman Ginger, Superintendent of Public Instruction in Kentucky, echoed these opinions: "If the money from vocational education has not been a catalyst in this Nation, I don't know what has." New York State Commissioner of Education, Ewald Nyquist, testified that his State boosted its matching funds from $4 per Federal dollar in 1965 to $12 in 1974.

Between 1970 and 1974 this ratio of State and local to Federal funds increased nationally from $5.14 per Federal dollar to $6.33 per Federal dollar. However, several state directors of vocational education told the Committee of much more dramatic increases in their own States. For instance, in the last four fiscal years Michigan State funds increased 15 fold, from $1.6 million to $24.3 million. Since 1970 Minnesota matching funds grew from $4.92 per Federal dollar to $11.91. Alaska's climbed from $3.37 to $16.01.

New Buildings.—The Vocational Education Act permits States to use Federal funds for the construction of area vocational schools. According to testimony presented to the committee this activity has opened up the possibility of participating in vocational education for the first time to millions and millions of students and adults in smaller school districts and in rural areas.

In 1965 there were only 405 such schools. This figure rose 430% to reach 2,148 schools in 1973. Many States, such as Ohio and South Carolina, had no area schools whatsoever prior to passage of the 1963 Act. Now, these two States operate 47 and 45 such schools, respectively. Although most of this construction nationwide took place before 1968, some States did not make a concerted effort in this area until after the 1968 amendments. New Jersey, for instance, which had only a few area schools prior to 1968, now operates 35 area schools serving all 21 counties.

Efforts to construct postsecondary vocational facilities, especially at community colleges, also got underway after 1968. In 1969 there were 974 community colleges and technical institutes offering vocational programs. By 1974 there were 1,756 such schools, a growth at least partially due to funds available under the Act.

Increase In Number and Type of Programs.—The Committee heard testimony from State and local directors of vocational education that Federal funds have permitted them to greatly expand the number and type of vocational courses. South Carolina, for example, has developed more different training programs since 1968 than in all the past history of the Vocational Education Act. That State now maintains 60 different offerings at the secondary level.

At the postsecondary level, North Carolina community colleges reported that their vocational and technical offerings have expanded from 38 programs in 1963, to 171 programs in 1975. Oklahoma, during the decade from 1965 to 1975, went from 70 postsecondary offerings to 358.

Robert Van Tries, Director of Vocational-Technical Education in Minnesota, testified that 300 new programs were added in postsecondary institutions in his State during the past five years "Nearly one-half of these programs have been developed in Minnesota, helping to maintain the economy of small communities. An indication of vocational program impact on the economy is that new businesses and industries have moved to rural areas because of trained manpower availability."

Number of Teachers.—The increased enrollments discussed earlier necessitated more trained vocational teachers in nearly all areas.

The total number of vocational teachers increased from 166,898 in 1969 to 266,220 in 1974. The following chart shows a steady increase in teachers at the secondary and postsecondary levels beginning in 1965 although the percentage who taught adult programs decreased.

CHART E

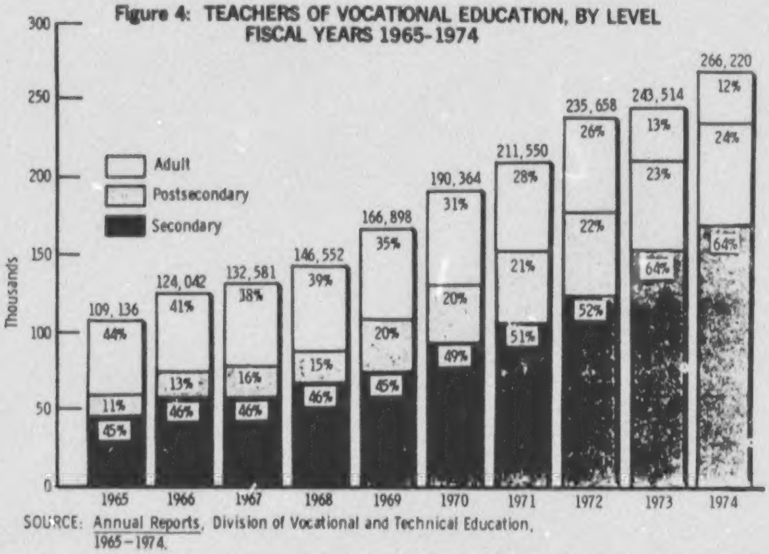


Figure 4: TEACHERS OF VOCATIONAL EDUCATION, BY LEVEL FISCAL YEARS 1965-1974

SOURCE: Annual Reports, Division of Vocational and Technical Education, 1965–1974.

NOTE.—Percentage calculated on full-time equivalent in 1973 and 1974 instead of number of teachers.

From 1970 to 1974 the number of teachers teaching disadvantaged students increased from 9,701 to 17,935; those teaching handicapped students grew from 2,615 to 7,437. Those areas with the greatest increases in the number of teachers from 1969 to 1974 were health, trades and industry, and office occupations. The number of technical teachers, however, does not appear to have expanded to keep pace with enrollment growth.

Conclusion.—There can be little doubt that the Vocational Education Act of 1963 and its later amendments have led to a tremendous expansion and improvement in vocational education throughout the country. All the indices of inputs into the system—more dollars, bigger and better buildings, larger enrollments, more and better trained teachers, and more course offerings—point to success.

Measures of the outputs—the success of the program completers and leavers in finding and keeping jobs—are more difficult to find. Increases in enrollments in vocational education offer evidence that students see value in the courses, and there is some scattered evidence of placement success for a number of local programs. But in terms of periodic and extensive reviews of these programs in terms of the success of their students in obtaining and keeping jobs, little can be found at present. For that reason, the Committee has recommended amendments to provide this type of information for measuring the effectiveness of the programs.

Need for Improvements

The Committee's hearings over the past two years have clearly documented the fact that sound progress has been made in vocational education since 1963, and especially since 1968. But these hearings and the Committee's general review of the program have also shown the need for making three major improvements in the program.

First, more funds, including greatly increased Federal appropriations, must be provided for vocational training in our schools.

Second, better State planning for the use of funds, more extensive evaluations of local programs, and greater accountability for expenditure of funds must be required at the same time that the present rigid categories of funding in the Federal law are simplified to permit more flexibility in funding particular types of programs.

Third, the States must move aggressively to eliminate sex bias and sex stereotyping in vocational education.

Additional Funding.—Testimony before the Committee and data from various evaluation reports indicate that although much progress has been made under the Vocational Education Act, more money from all sources is necessary to reach all those who need and can benefit from vocational education.

With increased funding States will be able to expand vocational programs to the large majority of students who will not obtain a college degree and at the same time supply the labor market with trained people, to construct enough facilities so that all students have access to a vocational school, to adequately meet the needs of disadvantaged, handicapped, urban and rural students, and to fill the shortage of vocational teachers which exists in most States.

Since providing training for jobs is in the best interests of the Nation's economy and since providing more Federal dollars encourages the spending of additional State and local dollars for vocational education, the Committee bill proposes to increase the authorizations of appropriations under the Act from $980,000,000 in fiscal 1976 to $1,450,000,000 in fiscal 1982.

Serving Students Who Do Not Obtain a College Degree.—In studying a typical high school class, the National Center for Education Statistics found that about 25% of this class leaves school before graduating. Of the 75% who graduate, about half—37.5% of the total class—do not go on to higher education; most of these seek immediate employment. Twelve and a half percent of the class drop out of postsecondary education or obtain a technical or associate degree, and only 25% of the students obtain a bachelor's or more advanced degree.

In other words, at least seventy-five percent of a typical high school class could benefit from vocational education. Yet, we are falling far short of meeting those needs.

Although much progress has been achieved since 1963, only 47.2% of students grades 9–12 are presently enrolled in vocational courses, and a third of this enrollment is in non-gainful home economics. Only 9% of the population aged 20–24 is in postsecondary vocational programs.

The number of students who remain to be served varies among the States, but nearly all witnesses before the Committee told of the need to greatly expand vocational education in their States. Ruth Stovall, Branch Director of the Division of Vocational Education and Community Colleges in Alabama, for instance, noted that only 36% of Alabamans aged 15 to 19 are enrolled in secondary vocational education and only 8% of the population 20 to 24 is in postsecondary vocational education even though barely 12% of Alabama students ever obtain a college degree.

Dr. Edward Anderson, President of the National Federation of Urban-Suburban School Districts, said that of the 23 school systems belonging to his organization, the majority are serving only 30% of the secondary student population. Anderson asked for increased Federal funds so that these schools can accomplish their goal of serving 60% within the next five years. The State director of vocational education in New Jersey testified that his State aspires to the same goal of serving 60% of the State secondary population by 1980 but that presently only 31% are being served.

For many districts the situation is so serious that students who have expressed a desire to participate in vocational courses are being turned away for lack of space, materials and equipment. In eight counties of Kentucky, according to T. K. Stone, Chairman of the Kentucky Advisory Council, "eight-hundred and thirty high school youngsters were denied the opportunity to learn how to make a living—nobody wanted to deny them this opportunity; there was just no room at the inn." New Jersey area schools rejected 10,000 students last year. Dade County, Florida, presently serves about 19% of students grades 10 to 12, yet a recent survey of students in grades 8 through 12 revealed that 63% were interested in taking vocational courses.

This situation is not limited to secondary programs. In Alabama in 1974, 4,562 students were turned away from State technical institutions because resources were not available.

The irony exists that while students are being rejected for vocational education, there is a tremendous labor market demand for trained persons. According to a report of the Research Triangle Institute in North Carolina, the projected labor market need for trained high school graduates in North Carolina for the decade 1970–1980 is 156,200 above the projected number of available new entrants. Postsecondary technical requirements fall 49,800 short of projected new entrants.

Dr. Francis Tuttle, State Director of Vocational Education in Oklahoma, testified that annually 51,000 trained persons are needed in his State to meet the demands of business, industry and government. The number available for placement from public secondary and postsecondary vocational programs meets only 24% of that demand. Increased Federal funds are necessary to meet this need said Dr. Tuttle, because "increased cost of land acquisition, construction and equipment has placed a greater burden on the State and local sources of revenues".

New Facilities.—The major reason States give for turning away students is the lack of buildings and equipment. Nine States have reported to the National Advisory Council on Vocational Education that a majority of their existing facilities are, or soon will be, full to capacity, and that applicants are being turned away. The National Advisory Council reported that "there is reason to believe this problem exists in almost all States to a varying degree."

John Standridge, Superintendent of Vocational and Adult Education, Dade County, Florida, said that in order for Dade County to complete its 10-year vocational master plan, it must have $46 million for construction alone. Even if they use State and local funds for construction, this will create a gap in other areas that will require doubled Federal appropriations. Dr. Francis Tuttle, Director of Vocational Education in Oklahoma, noted that his State needs eight additional area vocational schools in order to have training accessible to all persons in the State.

Facilities shortages are not limited to secondary schools. Pennsylvania would like to construct community colleges to serve the 4 million people, or 35 percent of the State's population, who do not live within a district now served by a community college.

Students with Special Needs.—Evaluations of vocational programs, including the recent GAO report and Project Baseline materials, find that students with special needs are not being adequately served. According to the GAO report, 13 States spent less than the 15 percent minimum for disadvantaged in 1973; 14 States spent less than the 10 percent minimum for handicapped. In addition, the numbers of disadvantaged and handicapped students as a proportion of vocational enrollments have dropped since 1972. William C. Geer, Executive Director of the Council for Exceptional Children, told the Committee that "full access for handicapped Americans still remains deplorably meager when compared to the impact intended in the 1968 amendments to the Act."

Part of the problem stems from the fact that training programs for disadvantaged and handicapped students inevitably cost more per enrollee. To quote Project Baseline's 1975 annual report: "When money is tight, as it was in 1974, the hard decisions that educators make will lead to trimming costs wherever they can, especially per student costs." The report continued that most States met their minimum requirements for these groups, "but apparently the States and local school districts found it increasingly hard to do more."

The disadvantaged and handicapped programs are primarily Federally funded programs. In 1972, States spent only 7% of State and local funds for these programs, compared with 26% of the Federal funds. If the numbers of disadvantaged and handicapped enrollees are to be increased, then the impetus must come from additional Federal funds. The need for Federal funds for these purposes is especially acute in those poorer States which must spend a high percentage of Federal funds for maintenance and expansion of ongoing programs.

Urban and rural populations are two other groups with special needs which have not been met. The most critical problem for urban schools are higher costs for basic expenses, according to Project Baseline's Report to the Nation on Vocational Education. "Moreover," the report stated, "cities have a disproportionately high number of disadvantaged students requiring more expensive program services."

Dr. Paul Briggs, Superintendent of Schools in Cleveland, in testifying before the Committee on the needs of urban schools said: "Critical to our efforts in overcoming racial isolation and poverty is financial assistance from the Federal government. At a time when we enroll more and more pupils and we see an increasing unemployment figure for the inner city, we find a steady decline in the amount of tax revenue available to use. . . . As our tax revenue is decreasing, we find a steady increase in the cost of doing business in Cleveland."

The major problem for students in rural areas is the lack of adequate buildings and programs which are accessible to students in sparsely populated counties. The National Planning Association's report entitled "Priorities for Planning in Vocational Education" concluded that without more area schools, it would be nearly impossible for small rural schools to offer more than a very limited range of vocational programs. Presently 46% of rural students enrolled in vocational education are in schools with 5 or fewer programs while only 14% of urban vocational students are in such schools.

Thus, according to the National Planning Association, "the success of the vocational programs in the rural areas in the next 10 years will depend on the scope for establishing centralized area vocational high schools offering a range of programs . . ."

Need for teachers.—Although the total number of vocational teachers has been increasing, it has not kept pace with increasing enrollments. This situation threatens to become even worse in a few years. State directors of vocational education have described the situation as critical.

All but six States reported some degree of shortage in 1974, and several said the shortage is moderate or great. The shortage is most serious at the secondary level, although five States reported shortages at every level, and 11 at two levels.

According to a recent GAO report on supply and demand conditions for teachers, vocational education is one of the few areas of education where demand outstrips supply. In 1974, the report states, the number of new vocational teachers was only 38.7% of the demand.

State directors also told the Committee of large unmet needs for vocational teachers. New Jersey, as of January 1976, had 542 teachers employed with substandard certification, for lack of certified teachers. North Carolina representatives urged the Committee for more Federal funds for additional teachers. A survey of school superintendents in Alabama revealed the need for 5,239 teacher units for 1980. This represents an increase of 134% over the current teacher units.

More Federal funds, especially for teacher fellowships and cooperation with business, industry and labor, would help remedy this situation.

Administrative improvements.—The Committee believes that increased Federal funding will lead to more and better vocational courses. But simply putting more dollars into vocational education is not the sole answer to the question of how to achieve the best vocational education programs possible.

There must also be major improvements made in the way in which the program is now administered by the U.S. Office of Education and by the States. Testimony before the Committee showed that these improvements must come in the areas of planning, accountability, data collection and use, and evaluation and follow-up.

Testimony presented to the Committee also showed that these areas are all interconnected and interrelated, but for the sake of simplicity of presentation they will be discussed separately.

Planning.—The General Accounting Office, in summarizing its yearlong review of the vocational education program, told the Committee that State plans are primarily prepared to comply with Federal regulations and are not used to provide direction to programs, that the needs of potential students are not assessed on a systematic, ongoing basis, that little coordination exists between the secondary and postsecondary sectors in planning, and that State advisory councils only have a limited impact on State planning.

Many of the State directors of vocational education and individual State advisory councils on vocational education testified before the Committee to these same points. Dr. Joseph Clary, executive director of the North Carolina State advisory council, for instance, stated that the present Federal requirements for State plans are "too detailish, too rigid, too complicated, and too late."

The Minnesota State advisory council testified that the implementation of the Vocational Education Act in that State "does not conform to the Congressional mandate to provide a needs assessment and the pricing out of the costs of meeting the political commitment of the 1968 law to provide vocational education services based on the 'needs, interests, and abilities of the individual' in light of 'actual or anticipated job opportunities.' "

Mr. Robert Van Tries, Associate Commissioner of Technical-Vocational Education for the State, confirmed this conclusion and urged that the Federal legislation more definitively describe the level of planning desired and that a specified amount of funds be provided from the Federal level to perform this planning.

Recurrent complaints before the Committee were that no coordination of planning and programming was occurring in most States between the State boards of vocational education and the State higher education agencies or between those agencies and the State employment and training agencies. Dr. Peter Masiko, for instance, representing the American Association of Community and Junior Colleges, testified that a problem of competition frequently exists in States between area vocational schools and community colleges, fostering duplication and precluding effective student articulation between institutions and creating gaps in services to students in needs of occupational education. He asserted:

> As we see it, the basic problem in many States seems to rest with attitudes in the State vocational education agencies whose leaders primary experience and outlook is in secondary level vocational education.

A study conducted for the Committee by the Library of Congress found that in 13 States the postsecondary agencies had no input in the State planning for vocational education and that 23 States had only voluntary or informal participation by these agencies. In fourteen States there were State statutes which required the participation of these agencies in such planning. The problem of lack of coordination is complicated by the fact that, according to the U.S. Office of Education, in approximately 45 States the State board for vocational education is also the State board or agency responsible for elementary and secondary education.

Another problem with planning is with the lack of involvement of the State advisory councils on vocational education in the development of the State plan although this involvement is clearly required in current law. A recent report on State planning issued by Project Baseline found that in only two States in the Nation could the State advisory councils be identified as actively participating in writing the State plan.

Accountability.—At the Committee's first day of hearings on vocational education legislation in April 1974, Dr. Charles Law, State Director of Occupational Education for the State of North Carolina, testified that:

> No one is more aware than State directors of the possibility of misuse of funds in a State. Accountability is essential. I happen to prefer the Federal government holding the State of North Carolina accountable for meeting the total needs of its citizens and auditing that effort in any way deemed necessary to the present method . . . I have seen no improvement in terms of accountability which is guaranteed by having to report through the present mechanism. There must be a better way.

It seems that what is occurring now is that the Office of Education is demanding a great deal of paperwork and detailed data from the States and local school districts but then there is no follow-up to determine whether the States are complying with the law and no efforts are being made to assist the States in operating their programs better. In other words, a blind concentration on seeking compliance on paper with the process has led to a total neglect of trying to seek the results the process was created to achieve.

The General Accounting Office stated it this way:

> Office of Education regional officials told us there was little or no evaluation of State programs as they actually operated and that the Office of Education, therefore, had little assurance that policies and procedures delineated in Office of Education approved State plans were carried out.

According to the National Advisory Council on Vocational Education, the cause of this failing at the Federal level is two-fold: first, a "laissez faire" attitude on the part of the Office of Education officials which limits them from going into a State to ask how Federal funds are being spent; and second, a very serious shortage of personnel assigned in the Office of Education to administer the Act.

As a result of this lack of effective monitoring of the expenditure of Federal funds, some States have disregarded requirements of Federal law concerning the methods which must be used for distributing Federal funds within the State and some States have failed to follow the requirements that certain minimum amounts of Federal funds must be used every year on programs for the handicapped and the disadvantaged. Also due to the lack of Federal guidance, States have had unbridled discretion to retain any amount of Federal funds they desired for State administration, States have felt little compulsion to coordinate programs among area vocational schools and community colleges, and States have been able to expend whatever they desired on maintaining ongoing programs instead of beginning new programs.

Mr. Don Brill, Assistant State Director of the Wisconsin Board of Vocational, Technical and Adult Education, seemed to feel that the only way to reverse this course was to require more accountability in the Federal law. Dr. Ewald Nyquist, New York State Commissioner of Education, echoed this sentiment by saying: "Coupled with simplicity and flexibility in the new Act must be strong requirements for planning and accountability."

Data.—Although the Office of Education is now requiring the States to submit considerable amounts of data, the problem seems to be that this data is reported solely on a compliance basis and that it is not being transformed into information which can be used for decision-making, according to Dr. Donald Drewes of the North Carolina State University Center for Occupational Education. And, as has already been noted, the request for compliance data is frequently the last effort which Federal administrators now make to assure that the Federal law is being carried out and that the programs are being properly administered.

The lack of adequate national vocational education information was of concern to many witnesses who appeared before the Committee. Mr. Arthur Lee, Director of Project Baseline, which has been working for the last few years to synthesize the data presently available from the States, told the Committee that the reason that such information does not exist is not that it is too difficult to collect or that it is too expensive. Most States are now collecting more information on vocational education than they are presently being required to do by the Office of Education. Thirty States are collecting more data on students than is required, 33 States are collecting more information on programs, and 21 States are collecting more information on professional personnel.

Mr. Lee stated that the reason for inadequate national information is simply because the Office of Education has not required complete and proper data from the States. He attributed this failing, to a large extent, to the freeze which the Office of Management and Budget has placed on data being collected from the States.

Another major reason, though, stems from the lack of uniformity in the types of data presently being reported by the States. For instance, some States only report a student as a vocational student if he or she goes to school full time, 30 hours a week, for 175 days. Other States report as vocational students any student who is enrolled in a vocational course.

The Honorable Roman Pucinski, representing the National Advisory Council on Vocational Educational, urged the Congress to redress this problem by directing the National Center for Education Statistics to develop a common set of definitions and a common data system for reporting all federally funded vocational programs. Other witnesses also urged the establishment of a comprehensive and accurate vocational education data reporting system.

A very serious problem also exists in the present administration of vocational education with the failure of vocational educators to be able to find and use reliable employment data when decisions are being made to initiate or to terminate programs. All the State advisory councils on vocational education in their annual reports have stressed the present deficiencies in the use of manpower data in formulating local programs. They have asserted that finding a solution to this problem is crucial to the future of effective vocational education.

The General Accounting Office told the Committee of its conclusions in this area:

> In the States we visited, vocational educators both at State and local levels had not given adequate consideration to labor market factors. Labor market demand and supply had not been fully assessed, and there was no assurance that the training provided corresponded with manpower needs.

The GAO went on to say that in every one of the States it visited there was a State plan approved by the Office of Education which included at least some labor demand and supply projections. State education officials, however, reported to the GAO investigators that available projections of labor demand and supply were unreliable and were included in the State plan only to comply with Federal regulations. In no instance was the State plan considered to be a valid assessment of manpower needs.

A study entitled "Manpower Data in Vocational Education: A National Study of Reliability and Use" confirmed these conclusions of the GAO. That study, conducted by the Center for Occupational Education at North Carolina State University, found little linkage in the ten States reviewed between the instructional programs being offered and the occupations manpower data showed to be in future demand. Furthermore, many local vocational educational administrators were found to be unaware of published manpower data available from State employment security offices and from the Bureau of Labor Statistics.

But, the North Carolina study found that the fault for this failure to use manpower data did not lie solely with administrators of vocational programs. The statistical orientation of most State employment security personnel and Bureau of Labor Statistics reports were found to greatly inhibit their use by educators. Also, few State employment security agencies were found to be financially able to provide special data compilations in response to requests from vocational education program planners, and services now being provided were found to be in the process of being curtailed due to budgetary cuts.

The study recommended as a solution to these problems that the Congress establish a coordinating committee consisting of representatives of the Office of Education and of the Department of Labor to undertake the development of comprehensive labor market information for the explicit use of State boards of vocational education, local school districts, and other public agencies offering vocational programs. It also recommended that funds be made available to the States for the purpose of joint efforts by the State boards of vocational education and the State employment security agencies to compile and use manpower data in planning for vocational education programs.

Evaluation and Follow Up.—The last major problem area in the present administration of vocational education, according to testimony presented to the Committee, is the lack of systematic program evaluation. Only minimal program monitoring and evaluation were found to exist in the States reviewed for the study conducted by the Center for Occupational Education cited above.

The General Accounting Office found in its review that:

> The States we visited had some form of State evaluation of vocational programs, but it generally was not systematic. For example, officials in one State advised us that the total vocational program was reviewed in only 5 or 6 of the 227 districts offering programs in fiscal year 1973.

With regard to the evaluation of programs, the greatest need perceived almost universally by witnesses, and the greatest failing, was for follow up studies showing the job placement and satisfaction of program completers and leavers. Project Baseline reported that 26 States have some form of follow up of students. However, witnesses testified that this follow up was very sporadic and extremely uneven. As Mr. Arnold Weber, Chairman of the New Jersey advisory council on vocational education told the Committee: "There is no follow up (in New Jersey) . . . There are (only) stabs at it here and there and other places."

Dr. Jack Nix, Superintendent of Schools for Georgia, told the Committee that he believed programs could not simply be evaluated in terms of dollars and cents spent on them or in terms of enrollments. Rather, they must be evaluated in terms of the success or lack of success of their graduates in having jobs in areas for which they were trained and in being able to advance in their occupations.

As a result of the lack of systematic follow up of students, the General Accounting Office found that enrollments in programs supported by the Vocational Education Act over the past decade did not indicate a shift in training from traditional to new and emerging job opportunities. Even though studies financed by HEW have shown that much of the present enrollment in courses is concentrated in programs with only a peripheral relationship to labor market needs, GAO found only marginal efforts being made by the Office of Education to review the adequacy of vocational offerings in relation to availability of jobs.

The GAO likewise found the States making few efforts to use the Act's funds to initiate programs in areas with increasingly high labor market demand. The North Carolina study found that once a program began locally manpower projections played a very minor role in determining whether it would continue or not.

The GAO recommended that Congress amend the law to require that schools take responsibility for the follow up of students in federally supported vocational education programs. The State directors of vocational education in Minnesota and California also recommended that Federal funds be made available for the follow up of students.

Sex Discrimination and Sex Stereotyping.—The Committee held separate hearings last year on sex discrimination and sex stereotyping in vocational education and came to the conclusion that the inferior position which women now hold in the labor market is being reinforced by many of the current practices in vocational education. We have also concluded that Federal legislation must address this problem if it is to be solved.

Testimony presented by various women's organizations dispelled the prevalent myth that most women do not have to work. Ninety percent of all women work for pay at some time in their lives. Over 33 million women—44% of all women of working age—are presently working for pay, and this number comprises about 40% of the total labor force. The percentage of employed women is expected to increase as women gain more education, have fewer children, and become more willing to work even though they have children.

The vast majority of women work out of economic necessity, since two thirds of all women workers are either single, divorced, widowed, separated, or married to men earning less than $7,000 per year. In addition, female-headed families are on the increase in our society, and now constitute 11% of all families. For minority families the figure is much higher.

These women who work, however, earn on the average only 60% of a man's salary. In 1973, the median salary for men working full time and year round was $11,186. For women the average was $6,335. The reason for this discrepancy is that women are concentrated in lower paying and less skilled jobs, most often because these are the areas that have traditionally been women's fields. For example, in the apparel industry, where 81% of the employees are women, the average weekly salary was only $93. In the service industry, the most female intensive of all major industries, the average weekly salary was $111. These salaries contrast sharply with those of male intensive occupations. Transportation equipment workers, 90% of whom are male, average $210 per week; and malt liquor workers, 93% of whom are male, $229.

This situation is compounded by the fact that women have a much more limited range of traditional occupational fields from which to choose than men. Twenty-five percent of all women workers are in just five different occupations. The chart below lists these five occupations and their earnings and compares them with the most popular male fields:

WOMEN'S ANNUAL EARNINGS AND MEDIAN SCHOOL YEARS COMPLETED IN EACH OF THE MOST POPULAR FEMALE OCCUPATIONS IN 1969

	Earnings	Years of school completed
Public elementary school teachers	$6, 883	16. 6
Secretaries	4, 803	12. 7
Bookkeepers	4, 477	12. 5
Sales clerks, retail trade	2, 208	12. 2
Waitresses	1, 662	11. 5

MEN'S MEDIAN ANNUAL EARNINGS AND MEDIAN SCHOOL YEARS COMPLETED IN EACH OF THE MOST POPULAR MALE OCCUPATIONS IN 1969

	Median annual earnings	Median years of school completed
Foremen	$10, 018	12. 2
Truck drivers	7, 246	10. 5
Operatives	6, 896	11. 3
Farmers	4, 816	10. 7
Janitors	4, 771	9. 9

Source: "Vocational Preparation for Women: A Critical Analysis" by Dr. Joanne Steiger, a report done under contract with the State of Illinois, Board of Vocational Education and Rehabilitation.

The conclusion to be drawn from these statistics is that women must seek non-traditional employment if they want higher wages. Yet vocational education is not responding by preparing women for non-traditional work; rather, it tends to reinforce these labor market patterns.

Vocational education programs, with the exception of distributive education, reveal sharp differences in male and female distribution. Although females accounted for 55 percent of vocational enrollments in 1972 (and two-thirds of the secondary enrollments), they were concentrated in a narrow range of courses that are female intensive and low paying. Girls are channeled into home economics, health, and office occupations. Boys are steered into agriculture, technical, and trade and industrial programs. The following chart illustrates this phenomenon:

ENROLLMENTS IN VOCATIONAL EDUCATION PROGRAMS BY SEX, 1972

Program	Total	Percent		
		Total	Female	Male
Agriculture	896, 460	7. 7	5. 4	94. 6
Distribution	640, 423	5. 5	45. 3	54. 7
Health	336, 652	2. 9	84. 7	15. 3
Home economics	3, 445, 698	29. 7	91. 6	8. 4
Office	2, 351, 878	20. 3	76. 4	23. 6
Technical	337, 069	2. 9	9. 8	90. 2
Trades and industrial	2, 397, 968	20. 7	11. 7	88. 3
Special programs (Disadvantaged, handicapped, etc.)	1, 304, 619	11. 2	44. 7	55. 3

Source: U.S. Office of Education publication, "Summary Data, Vocational Education, Fiscal Year 1972."

Homemaking, for the most part training for non-salable skills, is overwhelmingly the largest female intensive program, with more than 49% of the total vocational female enrollment. But, even in those wage earning programs with high female enrollments, women are concentrated in the lower paying instructional titles. For example, women in office occupations, who make up 30% of the total female enrollment, cluster in the typing, stenography, filing and office machines and accounting occupations, none of which paid more than $548 per month in 1972. Males in office occupations comprise the majority of enrollments in business, data processing, and supervisory and administrative management, occupations with substantially higher entry level wages.

Such examples support a major point made at the Committee hearings: boys have three times as many job options available to them within male intensive programs as girls have in female intensive programs. Of the 136 instructional titles classified by the Office of Education, only 48 are vocational courses in which girls comprise the majority. Only 33 of these are wage earning options. The situation in post-secondary education is almost equally limiting. Of 75 most popular technologies in postsecondary education, women are the majority in only 17 programs, most of which fall within health and office occupations.

Most witnesses at the Committee hearings agreed that these enrollment patterns existed because vocational schools have done nothing to prevent programs from reflecting the general status of women in society. Beliefs of parents, societal attitudes about the inferior capabilities of women, and cultural role expectations act as constraints, encouraging schools to retain the status quo.

Dr. Jacob D. Kaufman said that when he points these patterns out to school administrators, "The typical response you get is 'Well, we have really never discriminated' . . . I would ask them 'What plans do you have to overcome this problem,' and they have none. They simply use constraints as an excuse for not doing anything . . ."

Dr. Marilyn Steele, Director of Planning and Community Activities for the Charles Stewart Mott Foundation, viewed the schools' unresponsiveness as an active force for the continuation of sex discrimination: "The socially determined custom, accepted and reinforced by our public schools, of preselection of occupation by sex perpetuates the problem of low wages for women."

Some witnesses reported cases where schools not only failed to encourage enrollment in non-traditional occupations, but actively barred students from certain programs on the basis of sex. Despite a 1971 Massachusetts statute prohibiting sex discrimination in admission to public schools and access to courses, the Massachusetts Governor's Commission on the Status of Women discovered in 1972 that "25% of the responding schools (in their survey) reported that both sexes were not admitted to all courses," according to Mr. Raymond Parrott, Executive Director of the State's vocational education advisory council.

Mr. Peter E. Holmes, Director of the Office for Civil Rights, stated that in a survey of 1400 vocational schools of various types, the Office of Civil Rights located 21 single sex institutions and more than 1600 schools offering five or more vocational courses attended solely by one sex. "Although the admission policies of area vocational schools may not necessarily be discriminatory on their face, discrimination may exist with respect to admission to course programs." said Holmes. He concluded by saying: "We believe that real and substantial progress in solving these problems will require a cooperative effort on the part of local, State, and Federal education and civil rights officials."

Staffing patterns among vocational administrators and teachers tend to follow the same pattern as vocational enrollments. At the highest administrative levels women are virtually absent. There are no women State directors of vocational education. On the 56 State advisory councils, women constitute 40% of the membership. Only six advisory council chairpersons are women, and only two advisory council executive directors are women. The following chart shows the extent to which women are in vocational policymaking positions.

WOMEN IN POLICY POSITIONS ON STATE AND NATIONAL BOARDS OF VOCATIONAL EDUCATION, 1974

State/National Board	Number of women	Percent women	Total memberships
State directors of vocational education	0	0	50
Chairpersons of State councils	6	12	50
Executive directors of State councils	2	4	50
State advisory councils	162	14	1, 180
National advisory council	4	18	22

Source: U.S. Office of Education mimeographed report, "State Advisory Councils for Vocational Education, Fiscal Year 1974."

Dr. Joanne Steiger, President of Steiger, Fink and Smith, Inc., commented upon the effect of this under-representation: "During my work with the National Advisory Council on Vocational Education, I was dismayed to find that many vocational educators, including some of the most influential ones, regard the vocational and technical needs of women as inconsequential. Some refuse to concede there is any problem. Others view the matter as one of lowest priority."

There is evidence that sex stereotyping is also prevalent in teaching patterns although statistics are unavailable on the sex distribution of vocational teachers. In vocational teaching masters programs, however, women comprise 41% of the total enrollment, but are concentrated in nursing education (96% female), home economics (90% female) and business and office occupations (60% female).

Another problem is that the ratio of teachers to students in the most female intensive programs is less than that in male intensive programs, suggesting that women students have less instructional time from the teacher. Female-intensive programs include 53% of the total vocational enrollments, but teachers assigned to these courses make up only 48% of the total number of vocational teachers. The situation is particularly acute in home economics, where 30% of the enrollment is taught by 18% of the teachers. In trade and industrial programs by contrast, 21% of the total enrollment is taught by 29% of the staff.

While counselors are in a strong position to influence student's course choices, many witnesses charged that they tend to reinforce sex stereotyping patterns. According to Vicky Rideout, a senior at Silver Lake Regional Vocational High School in Massachusetts, "I know what happened to a lot of girls who are in high school now, my classmates. . . . They were just as easily channeled by their counselors into typing or bookkeeping and those kinds of vocational courses that were offered in high school, and after the freshman year it was not what they wanted at all." Rosemarie Fabian, a senior at Chelmsford High School in the same State, concurred: "The guidance counselors (at Chelmsford) have been there a long time and they have certain set ideas on who can survive what in certain areas . . . Guidance counselors do have a lot of control over the future of these kids, and it is too bad."

According to Dr. Steiger in a report to the Secretary of HEW, "Problems with school guidance personnel are likely to occur in two areas. First, the counselors may themselves embrace the larger society's stereotypes and in many cases will themselves be guided by incorrect and/or outdated perceptions of reality in the job market. Second, guidance materials available for use by counselors often have serious shortcomings, if not negative biases, with respect to women."

Testimony was also heard charging sex discrimination in curriculum materials, program publications, and testing instruments. Although no studies of vocational textbooks specifically have been carried out, Mary D. Janney, Co-Director of Washington Opportunities for Women, described a 1972 study of 2760 children's texts which uncovered patterns of passivity, dependence and domesticity for girls, and of activity, independence and courage for boys.

Dr. Joanne Steiger presented a detailed analysis of sex discrimination in testing materials, charging that "interest" tests given to junior high students to discover their career preferences actually offer no firm conclusions about a student's capacity to enjoy work in a particular field. Since women often are influenced by society's stereotyped versions of them, many have a tendency to project onto these tests what they "think is expected of them instead of what they really feel," Steiger said, "or, women may share society's restrictive attitudes without realizing that the lack of a broader view is one of the things constraining their vocational hopes."

All witnesses concurred that the initiative for overcoming all the above forms of sex discrimination and sex stereotyping will have to be with new Federal legislation. "There is almost $600 million Federal money to vocational education. Half of that money is going to educate girls and it is being spent in a very ineffective way," said Dr. Steiger. "Let us use the $300 million that is already there and do it right."

Provisions of the Bill

The Committee bill contains major amendments increasing the level of Federal funding for the Vocational Education Act, improving the administration of the program, and eliminating sex bias and sex stereotyping—as well as a number of other necessary amendments. All these amendments are described below, insofar as is possible, according to the order in which they appear in the Committee bill.

Extensions of Present Programs

H.R. 12835, as reported by the Committee, extends (section 101 of H.R. 12835) without substantial amendments all the provisions of the Vocational Education Act of 1963, as amended, through fiscal year 1977, except for the residential school programs (Part E of the Act) which are repealed for that fiscal year. The authority for the Commissioner to make leadership awards for vocational education personnel and to make grants to the States for in-service training under Part F of the Education Professions Development Act is also extended unamended through fiscal year 1977.

Authorizations and Allotments

The total authorizations of appropriations in the Vocational Education Act are reduced in the reported bill from approximately $980,000,000 for fiscal year 1976 to approximately $720,000,000 for fiscal year 1977. In fiscal year 1978 all the authorizations under the Act are increased to $973,450,000, in fiscal year 1979 to $1,133,980,000, in fiscal year 1980 to $1,314,500,000, and in fiscal year 1981 to $1,475,500,000. For fiscal year 1982 and for every fiscal year thereafter, the authorization for the State grants is continued at $1,450,000,000 a year. All other authorizations of appropriations under the Act expire at the end of fiscal year 1981.

Beginning in fiscal year 1978, all funds under the Act are allotted to the States according to the formula presently used in the Act for purposes of the basic State grants. The Committee bill, however, requires that from the funds remaining to the States after the Commissioner reserves funds for national programs no State is to receive less under this amendment than it is now receiving during fiscal year 1976 under all the various formulas used in the Act. The minimum grant for the outlying areas is increased to $200,000 for each such area.

Indians

Beginning in fiscal year 1978, the Committee bill (section 102) provides authority for the first time for the Commissioner of Education to reserve a portion of the appropriations equal to the proportion that the Indian population aged 15 through 24 is to the total population in that age group but not to exceed 1% of the total appropriation for the purpose of funding vocational education programs for Indians. The Commissioner must contract for the provision of these programs with any Indian tribe which has contracted with the Secretary of the Interior under the Indian Self-Determination Act or under the Johnson-O'Malley Act if such tribe requests an opportunity to operate these programs. Although the formula utilizes the relative Indian population aged 15—24 as a convenient measure of equity, the programs eligible for funding would include the full rage of groups (secondary, postsecondary, and adult) served under the Act.

From the funds remaining after making these contracts, the Commissioner may make grants to the Bureau of Indian Affairs for the operation of vocational education programs in BIA schools and institutions. All requirements of the Act then apply to the Bureau of Indian Affairs as if it were a State board of vocational education.

The Committee adopted this amendment because it became evident from testimony, including that received in Minnesota and South Dakota, that State boards of vocational education are failing miserably in meeting the needs of Indian citizens for vocational education. It seems that State vocational education administrators do not feel any responsibility for Indians since there is a Bureau of Indian Affairs created to operate programs for Indians.

Consequently, the Committee proposes reserving some of the appropriations under the Vocational Education Act from the State allotments to be used for programs for Indians. The Commissioner, however, must first respect the principle of self-determination by contracting for these programs to any Indian tribe requesting such a contract. Only after making such contracts, can the remainder of the funds be transferred to the BIA for vocational programs.

The Committee would like to add that it hopes that the BIA will reverse its present policy of not funding vocational education programs with its own funds and begin to provide these programs for its charges. We expect to begin oversight soon on the Bureau's response to this request.

State Administration

The Committee bill (section 103) retains the requirement from present law that a single State board of vocational education must administer, or must be responsible for the supervision of the administration of, the vocational program and that this board must be designated pursuant to State law. The Committee retains this concept because it believes that the sole State agency requirement has worked well in giving cohesiveness and an overall sense of purpose to the administration of the program at the State level.

The Committee was urged by a number of witnesses, mostly national organizations and local institutions of higher education, to mandate in Federal law that there be a division of responsibility for the daily administration of the program at the State level between an agency to administer those portions of the program dealing with high schools and another agency to administer those portions of the program affecting postsecondary institutions. The Committee refused to adopt those suggestions because we came to feel that any such change would cause too much disruption in the States.

Although the requirement for a State board of vocational education originated with Federal legislation in the Smith-Hughes Act of 1917, it has over the years become encrusted in the different States with decades and decades of varying State legislation and with strong State traditions, with the result that today the State boards tend to be embedded in particular ways in the different States. The Committee did not want to totally undo those patterns of administration of the program which have developed over the years.

The Committee, however, does understand the reasons for the suggestions being made for a division of responsibility between secondary and postsecondary vocational education. In too many States, it seems the present administrators of the program are solely oriented toward secondary education so that other portions of the education community are not being consulted in decisions being made on the uses of Federal vocational education funds, and the program suffers as a consequence. People who need vocational training are not just high school students; they are people of all ages and at all levels of education.

Therefore, the Committee has mandated that other State agencies dealing with higher education and with the program authorized under the Employment and Training Act must be involved in State planning and in writing the annual accountability reports.

A singularity of approach, however, is still retained at the policy level and with respect to writing the State plans and annual accountability reports by requiring that these functions must be performed by the State boards with the involvement of the other agencies and councils. Other portions of administration can be delegated to other State agencies if a State so chooses, as is now permitted under the law.

It has come to our attention that some confusion exists as to whether or not such a delegation of responsibility of administration is intended under the present Act. We believe that it is; but in order to remove any doubt we have amended the Act to make crystal clear that if policy making is retained with the State board, daily administration can be delegated to other agencies by the State board.

Federal Administration

As was pointed out previously, there are two basic problems with the present Federal administration of the Vocational Education Act. The first one involves an attitude on the part of the Federal administrators that they do not have any authority to effectively evaluate or monitor the expenditure of Federal funds by the States. The second problem has to do with inadequate staffing to administer the program.

The Committee bill (section 104) addresses the latter problem by requiring the Commissioner of Education to assign to the Bureau of Occupational and Adult Education (the administering bureau), beginning in fiscal year 1977, at least as many persons to directly administer the program as were assigned during fiscal year 1967. It is the Committee's understanding that a total of 153 individuals were assigned to administer the Act in 1967 (105 in the headquarters in Washington, D.C. and 48 in the regional offices). Presently, in fiscal year 1976 there are a total of 95 assigned to administer the program (61 in Washington, D.C. and 34 in the regional offices), and it is the Administration's intention to have only 91 persons administer the program in fiscal year 1977 (57 in Washington, D.C. and 34 in the regional offices). The Committee's amendment will therefore require that 62 additional individuals be assigned, beginning in fiscal year 1977, to administer the program.

The Committee cannot understand why the Office of Education has cutback so drastically on the persons assigned to administer the Act within the last 10 years. The program has grown from having an expenditure of approximately $260,000,000 in 1967 to an expenditure of approximately $550,000,000 in fiscal year 1976. In this time of fiscal restraint when we must make every effort to get the maximum from each dollar expended by the Federal government, it seems totally irresponsible to decrease by one-third the number of people who are to oversee the proper administration of a program in which the Federal funds have more than doubled.

As regards the attitude of the people who are now administering the program, the Committee feels that attitude is beginning to change due to the congressional oversight conducted within the last two years and due to the criticisms contained in the recent GAO report. However, the Committee feels compelled to propose an amendment to the law to require the Bureau to conduct a comprehensive program audit of each State's vocational education program between October 1, 1977 and September 30, 1981. This amendment also requires the Department of

Health, Education, and Welfare during the same period to conduct a comprehensive fiscal audit of each State's program. Otherwise, we are fearful that the Department will fall back into its former slovenly and irresponsible ways.

In proposing these amendments, the Committee wants to make clear that it does not believe that the States are squandering these funds or that there are widespread illegalities regarding their use. All we are trying to do is to assure that the best possible use is being made of these funds; and we believe that effective oversight of these expenditures, including monitoring, evaluating, and auditing, are necessary to assure this result.

It has been brought to the Committee's attention that some Federal administrators are interpreting the provisions of section 426 of the General Education Provisions Act as precluding them from requesting information from a State or from seeking to verify that information in order to determine whether the requirements of Federal law are being complied with. Section 426 was enacted in order to authorize the Office of Education to go beyond enforcing the requirements of Federal law to provide extra assistance to States, colleges and universities and other public agencies requesting this aid. It in no way was intended to limit Federal officials in carrying out their duties to assure that Federal law is being complied with. Any such interpretation is ridiculous on its face.

The Committee bill transfers the provision creating the Bureau of Occupational and Adult Education from Title X of the Higher Education Act to the Vocational Education Act. In making this transfer certain clarifications are made concerning the Bureau's responsibilities. These clarifications are not meant to diminish the Bureau's responsibilities or to expand them. In particular, there is no intention to require that administration of the Career Education Act, section 406 of Public Law 93–380, must be administered by the Bureau.

Advisory Councils

The Committee bill (section 105) proposes several sets of amendments to the requirements in present law regarding the national and State advisory councils on vocational education. The most important amendments seek to achieve a better coordination of activities between these councils and the councils created under the Comprehensive Employment and Training Act.

The first effort at achieving this coordination is made by amending the Vocational Education Act and the Comprehensive Employment and Training Act to require that at least one member of the National Commission for Manpower Policy must serve on the National Advisory Council on Vocational Education and that at least one member of the State Manpower Services Council must serve on the State advisory council on vocational education. There are also amendments which require at least one person serving on the National Advisory Council on Vocational Education to serve on the National Commission and which require at least one person serving on the State advisory council on vocational education to serve on the State Manpower Services Council. These provisions for cross-memberships are meant to encourage these councils at the State and national levels to begin to work better together.

The Committee wants to make clear that the requirement for cross membership from the State Manpower Council to the State advisory council on vocational education cannot be fulfilled by having the representative of the State board of vocational education, who by law must serve on the State Manpower Services Council, serve as this representative to the State advisory council. That practice would obviously thwart the result we are seeking to achieve.

The Committee's bill also proposes that the National Commission for Manpower Policy and the National Advisory Council on Vocational Education work together to identify the vocational education and employment and training needs of the Nation and assess the extent to which all present programs are providing a coordinated approach to meeting those needs. The same responsibilities are placed on the State advisory councils on vocational education and on the State Manpower Services Councils. The intent here is obvious: to seek to achieve a better coordination of activities between these councils and to bring their respective expertise to bear on securing a total review of all of these programs so that they can all be assisted in meshing together better.

Lastly, in another attempt at coordination the Committee's bill proposes that the respective national councils comment at least once annually on each other's work and that these comments be included in each other's reports. The same requirements are placed upon the State councils.

The second set of amendments regarding advisory councils which the Committee proposes has to do explicitly with the National Advisory Council on Vocational Education. One amendment proposes that membership be required on the council of persons knowledgeable in the field of guidance and counseling, representative of non-profit private schools, and who are women with backgrounds and experiences in employment and training and who are knowledgeable with respect to job discrimination.

This amendment is proposed because the Committee has identified these three areas as areas to which vocational education must direct greater attention. Presently, according to the best estimates, less than 3% of all funds for vocational education are being used for vocational guidance and counseling. Furthermore, a recent study by the American Institute of Research has found that 88% of males and 75% of females identify vocational counseling during their high school years as seriously inadequate. Hopefully, membership on advisory councils will help to focus attention on the need to spend additional funds in this area.

As regards private non-profit schools, the provisions in the present law requiring the participation of children in such schools in certain federally assisted vocational education programs have not worked out very effectively at the local level; and again hopefully membership on advisory councils will assist in directing attention to this area. The required membership of women will be discussed in a later section.

The Committee also proposes an amendment to require that educators and administrators in the field of education cannot constitute a majority of the members of the National Advisory Council. The Committee feels that this council is meant primarily to bring lay opinion to bear on the field and that consequently people not involved in education or in the administration of education must constitute a majority of the membership.

The Committee also proposes that the authority be made clear for the National Advisory Council to provide technical assistance and leadership to the State advisory councils. The National Council has been performing this role since 1969 and has been doing an admirable job. This amendment is meant to remove any doubts as to Congress' intention to authorize this activity.

The Committee, however, must express its disappointment in the fact that the National Council has not performed other duties as admirably. For instance, the requirement contained in present law that the National Council must conduct an evaluation annually of the extent to which duplication exists among postsecondary and adult vocational programs has only been complied with one year out of the last eight. The National Council has also been derelict in evaluating the performance of the Office of Education in carrying out its administration of the Act. That too is a clear responsibility of the council under present law.

In brief, the Committee believes that the National Advisory Council over the last eight years has made itself into one of the outstanding advisory councils in the Federal government. However, the council has picked and chosen among its duties and has not always performed all the duties required of it in the Act.

Another disappointment of the Committee is with the degree to which the National Council has sought out grants from the Federal government, including the Office of Education, to perform different projects. For that reason, the authority for the National Council to accept grants is proposed to be repealed by the Committee's bill; and the council will be allowed to continue to accept transfers of funds from Federal departments and gifts only to the extent to which these transfers and gifts assist the council in carrying out its functions as specified in the Act. The council is not meant to be an administering agency for Federal projects. It is meant to be an advisory council to the Congress and to the Administration on the administration of various Federal laws. These amendments will serve to better focus the council's activities on this role.

The Committee's bill authorizes $450,000 for all activities of the council for fiscal 1978, $475,000 for fiscal 1979, and $500,000 each for fiscal 1980 and fiscal 1981. The Committee's bill also repeals the openended authority in the Act for appropriations to be provided for advisory councils. The intention behind these amendments is to require the council to receive all its appropriations under this one authorization of funds and to place this authorization at levels at which the council can maintain its present advisory activities but not to allow these activities to grow out of hand. The council is presently spending approximately $410,000.

The next set of amendments deals with the State advisory councils on vocational education. These councils too are required to include persons knowledgeable in the field of guidance and counseling, representative of nonprofit private schools, and women knowledgeable about job discrimination. These councils also are limited to having a minority of their memberships as educators or administrators in the field of education. Provisions of present law are clarified to require membership of a vocational teacher who is presently teaching, a person currently serving on a local school board, and a local school administrator. These provisions are incorporated in order to strengthen the input from people involved on a local level with vocational education programs.

An amendment is also included to require that the members of these councils must serve staggered three-year terms. A number of councils have adopted this provision in their regulations or have secured State legislation requiring it. The Committee believes that this staggered membership must be required of all councils in order to give them a mixture of continuity and change.

The independence of these councils is reaffirmed in the Committee's bill by a series of amendments requiring the councils to have control over their programming, administration, and funds. These councils cannot perform their roles as independent evaluators of programs if they are beholden for their funds or for their administration to the administrators of the program they are evaluating.

The Committee's bill strengthens further the role of State advisory councils by requiring that they be involved during the planning year with the other State agencies dealing with higher education and employment and training in consulting with the State board on writing the State plan. The councils, again with these other agencies, also have to be involved in drafting the annual accountability report. Finally, these councils must work with the State boards in formulating the plans for carrying out the local evaluations newly required by the Act. State boards are charged with cooperating with these councils in writing these plans and with sharing the results of these evaluations with the advisory councils.

The Committee feels that the advisory councils have performed their functions well but that they have not reached their full potential. Obviously, the advisory councils share these feelings since 60% of the executive directors of the councils reported in a recent survey conducted for the North Carolina State advisory council that their councils had only a limited impact or some impact on State administration of the program. The Committee believes that the reasons for this limited impact are that the councils have not always had control over their funds and administration, that the State boards have not always involved them in drafting the State plans, that the State councils have not had access to local evaluations of programs, and that adequate data on vocational education and occupational demand have not been available. The Committee's bill has amendments seeking to remedy each one of these faults, and the Committee hopes that the implementation of these provisions will allow the State councils to reach their full potential in the years ahead.

Another amendment in the Committee's bill affecting advisory councils requires the State advisory councils to work with the State boards, local educational agencies, and other public agencies in establishing local advisory councils. This amendment is not intended to give the State advisory councils the authority to establish these local councils themselves, but it is intended to have the State advisory councils actively encourage the State boards and other agencies to set up these councils.

In order to assist these State advisory councils to better perform their present duties and to undertake these new duties, the Committee bill authorizes $8,000,000 for their activities for fiscal 1978, $8,500,000 for fiscal 1979, $9,000,000 for fiscal 1980, and $10,000,000 for fiscal 1981. The minimum and maximum grants for the councils are also increased to $100,000 and $300,000 respectively. Within these limits it is expected that the funds appropriated for these councils will be distributed among them in accordance with the basic formula for the distribution of all funds under the amended Act.

General Application

The Committee bill (Section 106) amends the Act to relieve the States of the burden of having to submit annually as part of their State plan a great deal of paperwork regarding the administration of the program. Instead, each State is to maintain on permanent file with the Commissioner an application containing assurances that the State will abide by the law in carrying out the program.

Most of these assurances have to do with the normal, proper and efficient administration of the Act and need not be repeated every year. Once filed with the Commissioner, they will be as binding on the States every year in their operation of the program as they are under current law.

The Committee bill makes four revisions in transferring these general assurances from the annual State plan to a general application. The first change places the maintenance of effort requirement on a per pupil basis instead of on an aggregate dollar basis. The reason for this change lies in the declining number of students being served by elementary and secondary schools, and it is meant accordingly to permit decreases in expenditures where there are decreases in enrollments.

The second change has to do with the way in which States distribute their Federal funds within the State. The present law provides that States are to distribute these funds by giving due consideration to the results of periodic evaluations of programs, to the relative need for vocational education of population groups in the State (particularly those who are disadvantaged and handicapped), to the relative ability of school districts (especially those in economically depressed areas) to provide resources, and to the excess costs of vocational programs. From our oversight of the program during the last two years we have found that these requirements are too general in nature to carry out the intention of Congress which was to provide additional resources to those school districts and agencies most in need of those resources to provide programs.

A study conducted for the Committee by the Congressional Budget Office found that only 23 States under the current law are equalizing the distribution of Federal funds among local school districts if family income is used as a measure of equalization and 26 States are not so equalizing. The study also found that only 8 States are equalizing the distribution of these funds using property value as a measure of equalization and that 35 States are not. Clearly, the States are not following the intention of the legislation; and we must accordingly modify the law to make it more specific.

For that reason, the Committee has amended the provision regarding the distribution of funds within States to require States to distribute Federal funds based on various factors showing the need for vocational education but particularly requiring that the two most important factors used must be, for school districts, the financial ability of these districts and the number or concentration of low income families or individuals within them, and, for other public agencies, the financial ability of such agencies and the number or concentration of students whom they serve whose education imposes higher than average costs. The Committee intends "financial ability" to be defined as the property wealth per capita of local school districts and of other public agencies having a tax base and to be also defined as meaning the total tax effort of the area served by these schools and agencies as that effort is a percentage of the income per capita of those within the taxing body. We feel that such a definition will give a greater preciseness to our intention in trying to focus Federal funds on those school districts and other public agencies most in financial need of these funds. For the same reason, we have included as the other important factor the number or concentration of low income families, and the number or concentration of students whose education imposes higher than average costs. That factor, too, readily identifies those agencies most in need of this assistance.

Although the present law forbids the States from requiring uniform matching of the Federal funds with local funds, our hearings and review of the program have shown that many States are disregarding this prohibition. That prohibition is restated in the Committee's bill, and the Committee urges the Office of Education to make vigorous efforts to enforce it. Otherwise, poor school districts will continue to be barred from receiving funds when they are not able to come up with local matching funds.

Under current law some States are distributing the Federal funds on an entitlement basis among local school districts. Other States are granting them on a project grant application basis. The Committee does not wish to preclude the use of one system or the other since there are advantages and disadvantages to both. We do, however, want to stress that whichever system is used in determining the recipients of these funds the financial ability and the number of low income or high cost students within them must be the most important factors in their choice.

The third change from present law proposed to be made is a requirement that local applications must be developed in consultation with any local advisory councils which may be established and must be developed after taking into consideration the evaluations required to be performed under the Act. The Committee believes that the advice of local businesmen, union members and others outside the field of education, and the use of the evaluation reports will all greatly strengthen the ability of local agencies to focus their efforts on the greatest needs.

The last change the Committee bill makes is to require that funds under the Act for programs for the handicapped must be used consistently with the uses of funds under the State plan required under the Education of the Handicapped Act. In other words, programs under this Act must be coordinated with programs funded under the Education of the Handicapped Act so that they are not duplicatory or in conflict.

Definitions

The Committee bill (section 107) contains several revisions of definitions of terms used in the present Act and also contains a consolidation into one section of definitions which are presently spread throughout the Act.

The first definition which is modified is the definition of "vocational education". This definition is changed in order to clarify that funding of vocational courses can occur outside the classroom. In particular, the Committee is thinking of vocational courses being offered on work sites or in other innovative arrangements.

The second modification, and the more important change, is to strictly limit the term to actual instruction and the acquisition, maintenance and repair of related supplies and equipment. Under current law the definition is very loose with the result that it is difficult to discover the precise uses which the States are making of the Federal funds. The Committee's bill limits this definition strictly but then authorizes the use of Federal funds for most (although not all) of the purposes contained in the present definition in other parts of the Act. The purpose in doing this is to seek a greater accountability for the uses of funds.

The second definition which is modified is the definition of "disadvantaged". Under current law that term means any one who has "academic, socioeconomic, or other handicaps that prevent them from succeeding in the regular vocational education program". Criticisms of this present definition were pervasive throughout the Committee's hearings. Questions were raised about whether the person had to be in a regular program and fail in that program before he or she could qualify. Questions were also raised about what specific handicaps were meant to be identified.

The Committee accordingly has sought to clarify the definition by revising it to state that the disadvantaged persons who are meant to be assisted are those who are economically or educationally disadvantaged under criteria developed by the Commissioner based on objective standards and on the most recent available data. Economic disadvantagement is the clearest handicap which a person can have in order to show the need for additional services. Educational disadvantagement in the sense that some one is not succeeding in the regular academic program in a school and risks dropping out of school as a result is also a clear indication of the need for additional assistance.

The final definition which is modified in the Committee's bill concerns State administration. That definition is specified as only those activities necessary for the proper and efficient administration of a State's duties under this Act, including supervision of local programs and providing technical assistance to local programs. No ancillary services, however, are included in this definition.

Planning

The Committee bill (section 108) seeks to improve the planning presently required to be conducted by the States under the Act in a number of regards. The first improvement is to authorize $25,000,000 a year to be distributed to the States for purposes of planning, evaluation, and data collection. A constant refrain throughout the Committee's two years of hearings was that Federal dollars have to be specifically authorized for planning if the States are to achieve the best possible planning.

The second improvement made in planning is to require that a State plan be formulated during fiscal year 1977 to be effective for fiscal years 1978, 1979, and 1980. Then, a second plan is to be formulated in fiscal 1980 to be effective for fiscal years 1981, 1982, and 1983. The present law's requirements for annual and five-year plans are repealed.

The reason the Committee is shifting to three-year plans, instead of annual and five-year plans, is that evidence is beginning to show that annual plans do not give the States sufficient time to know how much in Federal funds they are going to receive for that year, then to plan for the use of these funds, and then to evaluate that use before planning for the next year. Five-year plans, on the other hand, are for too long a period of time for States to set realistic objectives which they can be held accountable to. Consequently, three-year plans are to be required. This time period ought to be long enough for both proper planning and evaluation.

Another improvement is that States have to actively involve the participation of other State agencies responsible for postsecondary programs, the State Manpower Services Council and the State advisory council on vocational education in formulating these plans. Included among these would be "the State agency or commission responsible for comprehensive planning in postsecondary education . . .", which in some 44 States would be the commission established pursuant to section 1202 of the Higher Education Act. This process must involve at least one meeting during the planning year between representatives of the State board and representatives of all these agencies and councils, meeting as a group. If there is disagreement among these parties as to the provisions in the State plan, the State board has the responsibility to reach a final decision. Any agency or council, however, can appeal this decision to the Commissioner who must then afford the agency or council a hearing and determine whether the State board's decision is supported by substantial evidence as shown in the State plan. After the Commissioner makes this determination, any dissatisfied agency or State board (but not the State advisory council on vocational education or the State Manpower Services Council) may appeal the Commissioner's decision to the Federal circuit court of appeals.

The reasons the Committee adopted these provisions requiring the State board to actively involve these other agencies and councils in writing the State plan have been alluded to earlier. The Committee believes that the needs of all people within the States will be better served by this broad consultation in deciding how to spend Federal funds and that the vocational education program will eventually emerge as a much stronger, more realistic program.

The Committee, however, is concerned that the new involvement of these other parties may lead to some radical shifts of funds among levels of education within some States. Therefore, we have included in the bill a provision that each State is to spend approximately the same amount of Federal funds on high school vocational education programs in fiscal years 1978 and 1979 as it had spent during fiscal years 1975 and 1976 unless the State is able to demonstrate the need to shift funds from these high school programs.

The fourth improvement made in the Committee's bill is to set out in greater detail than is provided in current law what must be included in these three-year State plans. Again, the testimony was uniform in urging the Congress to add greater specificity to what is meant when it requires State planning of the program.

Consequently, the Committee's bill requires these plans to include an assessment of the need for job skills within the State and to set out explicitly the ways in which the State will meet the needs for these job skills, including the courses to be offered, their projected enrollments, the allocations of responsibility for offering these courses among levels of education, and the allocations of funds to offer these courses. And, most importantly, the States are required to set out their reasons for deciding on these courses, enrollments and allocations. The States are also required to set out what they will seek to achieve each year and to set out the express uses they will make of Federal funds. Lastly, the States are required to set forth their policies for eradicating sex discrimination and sex stereotyping in vocational education.

Annual Accountability Reports

The Committee bill seeks to achieve greater accountability for the use of Federal funds by (1) requiring the Federal government to conduct comprehensive program and fiscal audits of each State before September 30, 1981, (2) making much more specific the authorized uses of funds and the definitions of terms throughout the Act, (3) requiring State matching of expenditures from Federal funds for State administration and for programs for the handicapped and the disadvantaged, (4) requiring the State board to actively involve other State agencies and councils in writing the State plan and the annual accountability reports, (5) requiring in much greater detail the contents of the State plans, (6) requiring more detailed annual accountability reports from the States on the uses of Federal funds, and (7) requiring evaluations of all programs within the States assisted with Federal funds, including follow-up studies of program completers and leavers. Since the other factors are discussed elsewhere, this section will only describe the new requirement for annual accountability reports. The next section will discuss the new requirements for evaluations of local programs.

Although the Office of Education now requires the States to submit an annual report on the uses of Federal funds, this report has been found to be lacking in giving a complete description of these uses and especially of the reasons the States have for choosing such uses. The Committee bill (section 108) seeks to redress this failing by requiring in much greater detail the exact contents of these annual accountability reports.

In particular, the States will have to report every year on the degree to which they have achieved the objectives they set for themselves in their State plans, including a description of this progress in terms of courses, enrollments, allocations of responsibility, and allocations of resources. The States will also have to include a description of how Federal funds were distributed among local school districts and other public agencies in conformance with the new Federal requirements concerning this distribution. The States will also have to show how they distributed Federal funds among the purposes set out in the Act, including a description of their efforts to upgrade teacher competencies and occupational skills of teaching personnel and a description of how they sought to overcome sex bias and sex stereotyping by providing special courses for that purpose. These two types of programs are singled out for special mention in these annual reports because the Committee considers them to be of such importance. Lastly, the States will have to include a summary of the evaluations of local programs which they conducted during that year and a description of how those evaluations were used to improve the States' programs.

The Commissioner is required to report back to the States on his or her analysis of each State's report including suggestions for improvement in the State's programs. Hopefully this report by the Office of Education will be used as an effective means of oversight of the States' administration of the program.

Evaluations and Follow up

The present Act encourages States to conduct periodic evaluations of local programs and to use these evaluations in revising their programs. The Committee's hearings showed that this provision seems to be having little effect.

The Committee's bill (section 108), therefore, contains new requirements concerning evaluations of programs. Specifically, within the three-year period of the State plan each program within a State receiving assistance under the Act must be evaluated as to its effectiveness. These evaluations must be used to revise the State's programs and a summary of them must be included in the annual accountability report submitted to the Federal government. These evaluation reports must also be made readily available to the State advisory council.

The Committee bill also requires each State to evaluate, using data collected wherever possible by statistically valid sampling techniques, each program within the State purporting to impact entry-level job skills according to the extent to which program completers and leavers find employment in occupations related to their training and are considered by their employers to be well trained and prepared for employment. The Committee has specified these two criteria to judge the effectiveness of these programs because in our opinion they show most clearly whether persons trained in vocational programs are showing the results of such training.

We do, however, understand that other factors may also demonstrate the effectiveness of these programs. Therefore, so as not to preclude other factors from showing such effectiveness, we have required that each such program must also be evaluated according to at least one other factor, such as the wages of the completers or leavers, their progress in the occupations of their choice, or their job satisfaction.

The Committee intends by the phrase "program . . . which purports to impart entry-level job skills" to include any program which is preparing persons for immediate employment or which is providing advanced training which includes the teaching of skills which would make a person immediately employable. We do not mean to include programs which are purely introductory or preparatory to actual job training.

The Committee requires the evaluations of these programs to be done using data collected by sampling techniques, wherever possible, because we do not want to cause an undue burden on States or local school districts. A follow-up of all students can be conducted, however, whenever they believe that such an approach would produce better results, such as in a program in a very small rural high school where using a sample of the students would not make much sense.

The Committee has not specified when the evaluations of these programs must be completed. Some people contend that immediate follow-up of students is worthless and that a student must be followed-up six months or a year after completion of the program. Others contend that different time periods are more indicative of success. The Committee leaves these determinations to the Commissioner of Education to prescribe.

The Committee also leaves to the Commissioner the determination of whether the State board ought to conduct the evaluations of local programs or whether local administrators should conduct these evaluations under the supervision of the State board. There are merits and demerits to both approaches, although it would seem to make more sense to have the State agency conduct most of these evaluations and follow-ups since economy of scale and use of greater expertise would seem to result.

Data Collection and Use

As has already been noted, the lack of adequate data has hampered attempts at evaluation of the effectiveness of the vocational education program by Congress and has hampered the program administrators from offering courses most directly related to job demand. The truly unfortunate thing about this situation is that it is a failing which could have been avoided years ago.

Even though Federal program administrators may not have felt—for one reason or another—that they could effectively monitor and evaluate State programs, they could at least have required the States to submit adequate data on their uses of Federal funds. As regards the lack of adequate data showing job demand, Congress provided in the 1968 vocational education amendments for a transfer of $5,000,000 a year to the Department of Labor to develop this data; but unfortunately the Administration has never recommended in the eight years since 1968 that that section of the law be implemented.

The Committee bill (section 108) proposes new amendments to deal with these failings, but first it must be clearly understood that there are two different types of data about which we are concerned.

The first type involves information on the vocational education program itself. The second type has to do with occupational supply and demand information which can be used to help make decisions on what types of local programs ought to be funded. The Committee has proposed amendments to deal with the inadequacies and unavailability of both types of data.

The first amendment proposed by the Committee requires the establishment of a national vocational education data reporting and accounting system. This system is meant to provide answers to these questions: Who is being served in vocational education programs? What are they being served? What is being accomplished? And what is the cost? More specifically, information is required to be submitted on the evaluations newly required to be conducted by the States of local programs and on vocational students, programs, program completers and leavers, staff, facilities, and expenditures.

The Commissioner of Education and the Administrator of the National Center for Education Statistics are charged with developing this system by January 1, 1977. This development must include deciding on the particular information elements to be included in the system and, most importantly, formulating uniform definitions to be used in collecting this data. The National Center for Education Statistics is charged with designing, implementing, and operating this system which must be in full operation by fiscal year 1978.

Every State receiving Federal aid under the Act must cooperate in supplying information to conform with this new system. And, this system must be as compatible as possible with the newly required occupational information data system and with other data systems involving the Comprehensive Employment and Training Act.

The National Center for Education Statistics is given the responsibility for operating and updating this system because the Committee has been so disappointed in the administration of present data collection by the Office of Education. The Administrator of the National Center must consult with the Commissioner of Education on updating the system, but it is the Administrator who has the responsibility for deciding exactly how to update the system and for operating the system on a daily basis. The Commissioner of Education is given the responsibility of preparing an annual report on the status of vocational education in the country using the data prepared by the National Center and using the reports and experiences gained by the Office in administering the program during the year. The Administrator of the National Center is to cooperate with the Commissioner in supplying and interpreting the data the Center has gathered during the year.

The National Center is to provide technical assistance to the State in adapting their data systems to meet these new Federal requirements. The States are permitted to use funds appropriated under the new authorization of appropriations for planning and evaluations for the adaptions of their data collection systems to conform with this new national system.

Regarding the need for the second type of data, namely occupational supply and demand data, the Committee bill proposes the establishment of a National Occupational Information Coordinating Committee consisting of the Commissioner, the Administrator of the National Center, the Commissioner of Labor Statistics, and the

Assistant Secretary for Employment and Training. This Committee will have available to it between $3,000,000 and $5,000,000 each year for improving coordination between vocational educators and manpower administrators, developing a national occupational information system, and assisting the States in using the data gained from this system.

The Committee bill also proposes that each State must establish by January 1, 1977 a State occupational information coordinating committee composed of representatives of the State board, the State employment security agency, the State Manpower Services Council, and the agency administering the vocational rehabilitation program. This new State committee, with assistance provided from the national committee, must implement an occupational information system within the State to improve the planning and operation of vocational education and manpower programs.

The Committee proposes these amendments for two reasons. First, it is hoped that these amendments will be another way of helping to bring together the vocational education program administrators and the manpower program administrators. Both programs have many of the same problems and needs, including a need for current occupational supply and demand data; and since the programs are operated so separately in so many States, the Committee bill tries to foster linkages between the two wherever possible.

The second purpose is clearly to develop both occupational supply and demand data and to make this data readily available so that vocational courses which are more relevant to realistic job opportunities can be offered. The Committee anticipates that demand data will have to be improved through the development of uniform definitions of demand, standardized demand estimation procedures, and a standard occupational classification scheme.

As regards the classification scheme, the Committee must concur with the remarks made in the study "A Critical Look at the Measuring of Work" conducted by the National Manpower Institute which concluded regarding the efforts by the Office of Management and Budget to develop such a system that OMB "has been nursing the development of a standardized occupational classification system along for eight years now, with no end in sight. The smallness of the staff working on it confirms the tokenism of the effort." If education and training are ever to be related to current and prospective occupational needs, a single occupational coordinating system is of paramount importance; and the Committee hopes that these amendments will lead to the prompt development of such a system.

As regards standardizing methods for establishing job demand, it seems that the occupational employment statistics program of the Department of Labor has potential to provide this information at the State level and also at the local level. Present funding, however, restricts that system to approximately 30 States.

As regards the development of a system of establshing occupational supply, it seems that there is a much longer way to go. It is expected that the new National Occupational Coordinating Committee will begin intensive efforts to bring vocational educators, manpower program administrators and other trainers together in an effort to bring uniformity to their reporting and to provide this information in a systematic and current manner. It is also expected that the State coordinating committees will undertake this task within each State. The new national vocational education data reporting and accounting system must be coordinated with these efforts to achieve uniform occupational supply data.

The Committee has required that information on vocational students must be reported in the new national vocational education reporting and accounting system on the basis of their sex and race. The Committee's recent hearings on sex discrimination and sex stereotyping in vocational education pointed out the clear need for such information. These hearings also brought to our attention the fact that the Administration discontinued the collection of such data a short while before the hearings. As a result of those hearings the Administration has reinstituted the collection of such data, but we feel compelled to require its collection in our proposed amendments because we do not want another administrative decision to terminate its collection.

Finally, the Committee wants to express its appreciation for the work done in this area by the Center for Occupational Education at the North Carolina State University. The study done for the Center entitled "Manpower Data and Vocational Education: A National Study of Availability and Use" was extremely helpful to us in developing our thinking on State planning, accountability and evaluation, as well as on data collection and use.

Sex Discrimination and Sex Stereotyping

As has already been shown, vocational education programs are in too many cases influenced by stereotyping of the sexes and to a certain degree by sex bias. For these reasons, the Committee's bill proposes a series of amendments to the present Act in order to lead to the elimination of such bias and stereotyping.

The statement of purpose of the Act is amended (section 101) to preclude any sex bias in the operation of the program. The provisions of the present Act creating national and State advisory councils are also amended (section 105) to require the membership of women who are knowledgeable about employment and training programs and who have experiences or backgrounds in job discrimination.

The State plan provisions and the annual accountability reports (section 108) also require the States to set out policies and procedures to be used to eliminate sex bias and sex stereotyping and to set out the types of programs which will be offered to overcome sex bias and sex stereotyping. The authorized uses of funds in the Act are amended (section 109) to include the use of Federal funds to revise and develop instructional materials which are free of sex stereotyping and to develop special training programs for displaced homemakers, for persons who are single heads of households and who lack job skills, and for persons who are seeking jobs in areas which have not been traditionally considered job areas for their sex.

Supportive services are also authorized for women who enter programs designed to prepare them for employment in job fields which have been traditionally considered limited to men and to provide day care services for children of students in secondary and postsecondary programs.

The consumer and homemaking education section has also been revised (section 110) in order to fund programs encouraging the participation of both male and female students in courses designed to emphasize their joint responsibilities as wage earners and family members.

The new section requiring the creation of a national vocational education information and accounting system (section 108) requires the collection of data on students according to their sex. The Commissioner is charged with conducting a study to determine how efforts to eliminate sex bias and sex stereotyping have succeeded and to report on these results to Congress within two years of the date of enactment of these amendments (section 111).

The Committee also amended the section authorizing funds for program improvement to permit the expenditure of funds for the development of curriculum materials free of sex stereotyping. The Committee did not earmark any set percentage of the research funds which are expended by either the States or the Commissioner to be used for programs for women. However, the Committee is distressed that so little funding has been provided in this area and expects the Commissioner and the States to focus more of their energies in that direction.

Finally, since the Committee's bill proposes a substantial consolidation of programs and since a very heavy responsibility rests with the States to eliminate sex bias and stereotyping under these new amendments, it is the Committee's view that in order to effectively carry out these provisions each State board of vocational education should designate an employee or employees to coordinate the State's effort to eliminate sex bias in vocational education. This employee or these employees should review and report on progress in eliminating sex bias and sex stereotyping in all vocational education programs in the State, make recommendations to State and local agencies for overcoming sex bias and sex stereotyping, and provide technical assistance to local educational agencies and other public agencies in overcoming sex bias and sex stereotyping in vocational education programs. The annual accountability report submitted by each State should include a summary of the activities undertaken by these employees.

Consolidation

The Committee bill seeks to achieve greater accountability while simplifying the administration of the program. Accordingly, it is proposed that all of the present categorical programs be consolidated into a block grant to the States, with the exceptions of the homemaking education and bilingual education programs which are retained as categorical programs.

The separate sections for special programs for the disadvantaged, research, exemplary and curriculum development programs, residential schools, cooperative education, and work study are all folded into the present basic State grant. This means that each State can decide how much it wishes to spend on each of these programs, including the option of deciding not to spend anything at all on any one of them.

The sections of the present law authorizing special programs for the disadvantaged, the construction and operation of residential schools, and cooperative education are all incorporated into this block grant with only minor amendments. The work study program is incorporated and amended to remove the present unreasonable wage and hour limitations and to permit work study programs to be operated in private non-profit institutions.

The research, exemplary project, and curriculum development sections are all consolidated into a new section called program improvement and then that new section is incorporated into the block grant. The reason that the Committee consolidated these three programs into one use of funds under the block grant is that testimony showed that the separate programs are too frequently operating in isolation from one another without any continuity from research to demonstration to implemenation. The National Academy of Sciences, for instance, stated in its recent report on these programs:

> Research results from work funded under Part C of the 1968 Amendments have not been fully used as a base for developing curriculum products (Part I) and demonstrations (Part D). The lack of articulation and the setting of separate priorities among federal Parts C, D, and I have reduced the potential for a cumulative impact of the research and development process. In addition, there has been some overlap in the activities funded under the separate parts, due in part to legislative mandate.

The National Academy also found that at the State level the only place where there was a linkage between research and demonstration was in States in which both programs were administered by the research coordinating unit. For that reason, the Committee has required that all contracts within the States for program improvements must be made through the research coordinating units. It is expected that the RCU's will develop research priorities for the States and then demonstrate and implement the results of this research in a coordinated fashion.

It is also expected that the RCU's will employ disseminators to act like agricultural extension agents in making local program administrators and teachers aware of the latest research findings. The reason that the Committee included this particular provision is that, according to the National Academy:

> Many vocational education practitioners are either unaware of research and development results and products, or are unable to understand and use them. Some vocational education research and development reports and products are not adequately disseminated; many are not packaged in usable forms. Personal contacts between the research and practice communities at workshops and demonstration sites have been more successful than written forms of communication in disseminating research and development but have been used much less frequently.

Another improvement which has also been made is that the only research which can be funded is applied research. The Committee believes that resources are too limited at this particular time to fund anything that will not result within a reasonable period of time in better teaching.

For the same reason the Committee has written in a new requirement that no research, demonstration, or curriculum programs can be funded unless the applicant can show a reasonable probability that this funding will result in improved teaching techniques or curriculum materials that will be used in a substantial number of classrooms or other learning situations within five years after the termination date of the funding.

The Committee has also required that all funding for program improvement must be on the basis of contracts. This amendment, too, is meant to require greater precision from the applicants in describing what they want to achieve and greater accountability from them during the time of the contract.

The Committee bill creates a new section in the law for supportive services. This section contains many of the activities which are now authorized under "ancillary services" in the present law, and it adds several new authorized uses of funds. The reason that the Committee incorporated some of the present authorized ancillary services into this new section is to achieve greater accountability from the States on their uses of these funds. Not all of the present ancillary services, however, are incorporated; only those dealing with vocational guidance and counseling, pre- and in-service training of teachers, and State administration and local supervision are authorized.

If a State wants to use any funds for State administration of the vocational education program or of any segment of that program, it must do so under the authority of this provision and under its restrictions requiring matching. The only exception is for homemaking (the new Part D) which contains an explicit separate authorization for State administration of that program.

The provision of placement services is also included in these authorized supportive services. Placement is presently authorized through the definition of vocational education; but since the Committee has restricted that definition to instruction and equipment, it has to be authorized elsewhere in the law if funds are to be used for that purpose. The Committee also believes that authorizing it in this section will serve to better highlight the need for such services.

The Committee bill also incorporates industrial arts into these authorized supportive services. This too is an activity authorized under the current law.

The new supportive services which are authorized are providing stipends to students in need, providing supportive services for women, and providing day care services for children of students in vocational programs. The need for these activities is discussed elsewhere.

The Committee wants to emphasize that funds can be used for stipends and placement services only where a State board makes a specific finding in each instance of funding that this activity is needed due to inadequate funding in other programs or due to inadequate services. This limitation is included so that placement services do not duplicate services already being provided by State employment services and so that stipends do not become available under the Act when funds are available to the same individuals under the Comprehensive

Employment and Training Act. These activities are authorized where these other services and funds are inadequate.

All of the supportive services mentioned above are authorized, but not required, to be funded by the States, with the exception of vocational guidance and counseling programs, services, and activities which must be funded to a certain extent by each State. We have included this new requirement because we believe that the funding of guidance and counseling has been sadly neglected by the States, as has already been pointed out. A sound vocational guidance and counseling program is essential for a good vocational education program.

The Committee wants to emphasize that the supportive services described above are the only supportive services authorized to be funded under this section in the Act. These amendments are meant to achieve greater accountability for the uses of funds by providing specific authority for them with resulting reporting on their use and by eliminating any general or vague authority for activities.

The Committee bill retains the present 50% matching requirement for the States under the Act, and it retains the present authority to make payments for 100% of the amount expended for special programs for the disadvantaged, exemplary and innovative programs and cooperative work study programs where such payments are necessary to permit the funding of these programs when they involve children from non-profit private schools. The Committee wants to emphasize its belief that the provisions for the funding of programs involving such children have not been implemented as fully as we intended when these provisions were included in the Act in 1968. We urge the Office of Education to take more vigorous steps to implement these provisions by securing adequate consultation with the appropriate private school officials at the State and local levels, by securing proper identification of eligible private school children, by assessing adequately the needs of such children for these services, and by providing services to these children in a manner that will best meet their needs. The Committee bill requires the membership of representatives of non-profit private schools on the national and State advisory councils on vocational education in order to help secure the proper implementation of these provisions.

The Committee bill contains two new requirements concerning State matching of Federal vocational education funds. The first provision requires separate matching from State and local expenditures for the funds which must be used for programs for the disadvantaged and the handicapped. This provision results from concerns expressed in the recent GAO report that States are supplanting State and local funds with Federal funds for these purposes. That clearly was not what we contemplated when we included these provisions in 1968. We want to make clear, however, that matching for these purposes is State-wide and not on a project by project basis.

The second improvement is a requirement that States must match from State sources any Federal funds which they expend for State administration and local supervision of programs. This requirement permits Federal funds to be used for 75% of State expenditures for these purposes in fiscal 1978 and 50% of State expenditures for these purposes in each succeeding year. This provision, too, results from data in the recent GAO report showing that some State agencies were being totally supported from Federal funds and others were using these funds to support a very high level of their administration.

In this payment section, the Committee has made clear that the Commissioner is to make these payments to the States only after he or she has received—and approved—the State plans and annual accountability reports—and has determined that the States are complying with other provisions of the Act, such as conducting the local evaluations. The purpose of this provision is to make crystal clear that no payments are to be made unless determinations are first made that the Act has been complied with.

Programs for Disadvantaged, Handicapped and Postsecondary Students

The Committee bill (section 109) retains the requirement from present law that at least 15% of each State's grant must be used for programs for individuals who have dropped out of high school or who have completed high school. It also retains the present requirement that at least 10% of a State's grant must be used for programs for the handicapped. However, since the present requirements only apply to the basic State grants (Part B of the present Act) and since the Committee bill proposes to incorporate all the separate categorical programs into the basic State grant while continuing these minimum funding requirements, the result is that a greater amount of funds must be spent in each State for each of these purposes.

In other words, the same minimum percentage requirements are retained but the amount of funds they are applicable to is increased through consolidation. Consequently, it is estimated that the handicapped minimum increases from $42,270,000 to $50,984,000, and the postsecondary minimum increases from $63,404,000 to $76,475,000.

The Committee bill proposes to increase to 25% the minimum amount of funds which must be spent on programs for the disadvantaged. This increase in percentage, however, does not result in a full 10% increase in the funds for the disadvantaged since two of the present categorical programs—special programs for the disadvantaged (the present section 102(b)) and the work study program (the present Part H)—are consolidated into this use of funds.

These funds for the disadvantaged are also permitted by the amendments to be used to provide stipends to students who are in need and whose needs cannot be met through work study programs. This new provision is meant to give the vocational education program some of the same flexibility in meeting the needs of people as the CETA programs now have.

For all these uses of funds for the disadvantaged, it is estimated that the new bill will require a minimum of $157,350,000 to be expended. The present 15% minimum requirement results in at least $93,300,000 being spent on the disadvantaged. However, as has already been noted, the spending on special programs for the disadvantaged—$20,000,000 and the spending on the work study programs—$9,850,000—must be added to this amount for an accurate comparison with present law. The result is an increase over present law of approximately $30,000,000 which must be spent on the disadvantaged.

A study recently conducted for the Department of Health, Education, and Welfare on vocational education programs for the handicapped showed that 70% of the students in a representative sample of programs were in separate programs for the handicapped. Data seems to show the same pattern for the disadvantaged. Consequently, a new provision is included in the Committee bill to require that funds for the disadvantaged and for the handicapped must be used, to the maximum extent possible, to assist such individuals to participate in the regular vocational education program. Except for special programs for the disadvantaged authorized by the new section 133, it is the Committee's expectation that the disadvantaged and the handicapped will not be separated out into special programs just for them. Rather, it is our hope that they will be mainstreamed into regular programs whenever possible.

The Committee bill modifies the present definitions of postsecondary programs and of adult programs because testimony presented to the Committee and a study commissioned by the Committee from the Library of Congress have shown that enormous confusion exists among State administrators about these definitions. With 47 States reporting, the overwhelming majority of the States urged Congress to clarify these definitions in the new legislation.

For that reason the Committee has changed the definition of postsecondary programs from "vocational education for persons who have completed or left high school and who are preparing to enter the labor market" to "vocational education for persons who have completed or left high school and who are enrolled in organized programs of study for which credit is given toward an associate or other degree, but which programs are not designed as baccalaureate or higher degree programs".

The Committee has redefined adult vocational education to mean "vocational education for persons who have already entered the labor market, but who are unemployed, or who have completed or left high school, and who are not described in" the previous definition. The Committee believes that redefining these two terms accordingly will achieve greater accountability from the States in their reporting of expenditures for these purposes. Currently, the definitions are subject to many different interpretations; and consequently the reporting of postsecondary and adult enrollments is confusing. The States will now have to report exactly on how many people are enrolled in postsecondary credit courses and how many people are enrolled in other courses.

Since the present definitions have led to an overlap between the truly postsecondary and truly adult programs in many States, the Committee bill proposes to apply the requirement for a minimum expenditure of funds for all such individuals to both the new precisely drawn postsecondary category and the newly broadened adult vocational education category. In doing so, the Committee anticipates that the States will pay much greater attention to the needs of all those who have completed or left high school, especially since increased funding will have to be provided for these purposes under the Committee bill.

Lastly, some concern was expressed in the Committee that those adults working towards certificates of completion of courses might not be counted under these new definitions. The Committee wants to make clear that such individuals are to be counted under the new definition of adult vocational education.

Homemaking Education

The purpose of the amendments to the Consumer Education and Homemaking Section, redesignated as Homemaking Education for Consumer Education, Family Resource Management and Life Skills, is to encourage the participation of both male and female students and to emphasize their joint responsibilities as wage earners and family members.

The amendments were drafted after considering the recommendations for amendments to present law made by the American Home Economics Association, the Home Economics Education Association and the American Vocational Association as well as after considering the testimony and exemplary field projects. These amendments are designed to focus upon the continuing and increased influence of family life upon personal and career development.

The Committee notes that the tendency for women to be employed outside the family is a marked and growing phenomenon, even among women with young children. For this reason, it is recommended that curriculum materials be developed which deal with the growing tendency for women to work outside the home, changing career patterns for women and federal and State laws relevant to equal opportunity in education and employment.

The Committee calls attention to the fact that the economic value of household work has never been included as a part of the gross national product even though some economists have long pointed out the economic value of time and the services performed in a variety of household tasks. Some have estimated the value of these services to exceed $15,000 per year.

In 1967–68, the use of family time was studied in 1,296 husband/wife households in Syracuse, New York, by the New York State College of Human Ecology at Cornell University, with Dr. Kathryn Walker as the principal investigator. She found that employed, as well as non-employed women, had the primary responsibility for household work. Employed women worked an average 70 hour week when paid and non-paid roles were combined.

Data on time use for a wider variety of families (single-parent, young and old, single and multi-adult) is not available. It is apparent however, that families will continue to feel stress, and men and women will experience conflict in learning to cope with the multiple roles demanded of them in careers and in home responsibilities. Home economics must, therefore, address itself to the preparation of both males and females for sharing roles in household tasks and family responsibilities and recognizing that the skills therein are basic life skills. Thus, the occupation of homemaking is vital for everyone, and this bill will considerably strengthen home economics in meeting the need for educational programs that recognizes the economic value of household work.

The Committee reaffirms that at least one third of the funds under Part D must go to economically depressed areas or areas with high rates of unemployment and further recommends that bilingual instruction be introduced where appropriate.

The home economics program is also expanded in structure to include elementary, secondary, postsecondary and adult components. Each State plan, but not every local program, must include funding programs at each of these levels of education.

The program is expanded in scope to include family life concerns associated with adolescent parenting; the development and care of the individual throughout the life cycle; and the dissolution of marriage by death, divorce, separation and desertion.

The problem of teenage pregnancy was targeted for special attention in the resolution of concerns presented by the three professional home economics associations and in testimony before the Committee. Girls drop out of high school chiefly for one reason—pregnancy. Fewer than one-third of our public school districts make provision for enrolling pregnant teenagers. Indeed, many schools expel or suspend such students. In a study of 17,000 school districts reported in the American School Board Journal in April 1971 only 5,450 districts provided for pregnant girls. The Committee recommends that schools adopt programs to help these students remain in school and help students understand the social, economic, and health hazards attendant to teenage pregnancy.

The Committee wishes to encourage the development of outreach programs that link school based programs with community institutions and groups. These outreach programs are intended to provide service to the community as well as an opportunity to acquire occupational skills and family life skills.

The term "life skills" encompasses those basic survival skills needed by every individual. Life skills should be viewed as a concept within a framework of resource management and inter-personal relationships. These skills include, but are not limited to, providing nutritious food and a balanced diet; selecting and maintaining living space including a basic knowledge of minor home repairs and sanitary, aesthetic and hazard free living conditions; knowledge of credit regulations for purchases of a home, car and other goods and ability to select goods and services within available financial resources; competence in the rearing of children and provision for the mental and physical health of family members; caring for aging family members; reaching agreement on areas of family conflict such as monetary decisions, divisions of labor, and discipline standards; coping with family crisis caused by birth, sickness, death, mobility, financial losses and gains or dissolution of the marriage due to divorce, separation or desertion; resource management including time, energy, intellectual ability, emotional stability and community resources.

The experimental, demonstration and exemplary projects to be funded by the Commissioner of Education are intended to assist home economics programs to refocus in order to meet the needs of today's society. For example, these programs should assist the home economics professions in eliminating sex bias and assist in the introduction of bilingual instruction where needed.

Section 112 of the amendments authorizes the N.I.E. to conduct a study of vocational education programs conducted under the Vocational Education Act of 1963, as amended in 1968 and and 1976, the Comprehensive Employment and Training Act of 1973, and the state postsecondary commissions authorized by the Education Amendments of 1972. The Committee has earmarked 10% of the funds authorized under this section for the purpose of conducting a review and evaluation of the effectiveness of home economics programs conducted under Part D. In the past, vocational education research, exemplary and demonstration projects, curriculum, national and state advisory councils have all too often ignored home economics programs as a part of vocational education. Therefore, the Committee intends by earmarking funds that the home economics programs may also be in position to profit from the findings that such a study may provide.

Finally, the Committee recognizes that many subject matter areas taught in the schools are concerned with consumer education, family resource management and life skills areas. However, it is the intent of the Committee that funds authorized or appropriated under Part D be used only for home economics programs. In cooperating with others, the home economics profession should provide the leadership necessary to effectively address the social and economic concerns affecting families. The Committee asserts its belief that home economics, with its interdisciplinary focus on family, is the discipline best able to respond to the changes in roles and functions of male and female family members dictated by a myriad of social, economic, and environmental factors.

National Programs

The Committee bill (section 102) requires the Commissioner to reserve 5% of the appropriations provided under the Act for programs of national significance. From these sums the Commissioner is to transfer between $3 and $5 million a year to the National Occupational Information Coordinating Committee for the development of usable occupational supply and demand data. The remainder is to be used for research, exemplary and curriculum development programs of national significance and for teacher training programs. Under present law funds are reserved to the Commissioner for all of these purposes except that such funds are reserved in each one of the separate categorical programs created for each of those purposes. In effect, the Committee bill consolidates the funds for the Commissioner into a block grant for his or her use similar to the block grant approach adopted for the States.

As regards research, exemplary and curriculum development programs, the main improvement in the Committee bill (section 111) is that funds are to be available to the Commissioner to provide contracts for these purposes without any State allocations limiting the manner in which he or she can make these contracts. Consistent testimony presented to the Committee was that the State allocations in the present categorical programs are too limiting so that truly national efforts at improving vocational education are being rendered ineffective.

The second most significant improvement made in these programs is that the Commissioner is required to support from these funds a national center for research in vocational education. The contract for this purpose is not to exceed $5,000,000 for any fiscal year although the funds made available under these contracts can be used for periods not to exceed three fiscal years.

This national center is to be chosen on a competitive basis once every five years, is to be a nonprofit agency, and is to be assisted by an advisory committee appointed by the Commissioner. The Committee believes that this advisory committee should include as members a State director of vocational education and representatives of research coordinating units, State advisory councils on vocational education, teacher educators, high school classroom teachers, community and junior college classroom teachers, as well as labor representatives, employers, economists, psychologists, and sociologists. The Commissioner of Education should also be represented on this Committee. Since testimony has shown that vocational education research has neglected the needs of the disadvantaged and the handicapped, this committee should also include representatives from those groups. The Committee wants to stress that members of this committee should include as many people not directly involved in vocational education as possible. The perspective of people outside a field is always useful in reaching more relevant decisions.

This national center is to conduct applied research, provide leadership development, disseminate the results of research, and develop information to facilitate national planning. It also is to act as a clearinghouse for information on contracts made by the States for research, exemplary, and curriculum development programs and to compile a bibliography of all such grants and contracts made since 1970. The Committee has included this particular function for the center because of the need for a national information system on such contracts and grants made by the States. Without such a system there is a danger that each State will operate these programs in isolation from similar programs being funded and having been funded in other States.

The national center is also to work with States, local school districts and other public agencies in developing methods of evaluation. As already noted, a prime emphasis of the Committee's amendments is on evaluation of local programs and follow up of program completers and leavers. The national center can provide a focal point for assisting State and local administrators and educators in developing the expertise needed to perform these evaluations.

The Committee has required that a national center is to be chosen on a competitive basis every five years and has specifically described this center in lower case type in the amendments in order to emphasize that the institution chosen as the national center the first time is not to be considered a permanent Federal research center similar to the National Institute of Education. Instead, this center is to perform certain functions for vocational education for a certain number of years; and then that institution is to compete—if it so chooses—with all other institutions desiring to be designated for the second five-year period.

The choice of this national center (once every five years) must be made on a competitive basis, but the Committee does want to highly commend the work which has been performed by the Center for Vocational Research at Ohio State University. That Center has performed many of the functions envisioned by the amendments for this new national research center, and it has the potential to perform a number of the other functions. However, the Committee wants to stress that the Commissioner is to open the competition for the designation of this national center to every institution in the country which desires to compete; and then he or she is to make a choice based solely on the records of these institutions and on their potential for performing the best job possible.

Three other changes have been made by the Committee in the national research, exemplary project, and curriculum development authority. The first is to limit the making of a contract for research to only those contracts involving applied research. The second is to bar the making of grants for any of these purposes and to limit such funding to contracts. The third change is to require that no contract can be made for any of these purposes unless the applicant is able to demonstrate a reasonable probability that the contracts will result in improved teaching techniques or curriculum materials to be used in a substantial number of classrooms within five years of the termination date of the contract. All these amendments are included in order to focus Federal funds on producing results in the classroom in the most efficient and quickest manner possible.

The Committee bill creates a Coordinating Committee on Research in Vocational Education within the Education Division of the Department. This committee is to develop national priorities for this research and for all related research and to coordinate the efforts of all agencies to fulfill these priorities. This committee is also to develop an efficient management information system on all the programs funded by these agencies.

The National Academy of Sciences recently reported that:

> The United States Office of Education does not have an efficient system for collecting and recording information on many aspects of the research and development program. Little information on research performers is collected; interim or final reports are not always turned in; records of project impact are not usually kept; and those project evaluations which have been done are not usually analyzed in depth. Therefore, it is extremely difficult to measure the impact that research and development projects have had on vocational education.

The National Academy went on to say that there is essentially no quality control of research performance and that there is no systematic way of collecting information on research needs or of avoiding unnecessary duplication of research projects.

For these reasons the Committee bill directs the new Committee on Research in Vocational Education to develop a management information system to better monitor and evaluate these projects. Since our resources are limited, we must achieve the best results possible. Obviously, the Office of Education is not doing that now.

The Committee also wants to express several other concerns about the way in which the Office of Education is now operating the research program. As we understand it, in the priorities for funding of research during fiscal 1976 there is no priority for the disadvantaged. We want to emphasize our displeasure with that exclusion.

Since 1968 a prime emphasis of Federal legislation has been on assisting the disadvantaged and since we obviously have not as yet found the best way to do this, research must continue.

We also understand that under current procedures the administrators of the program cannot request any progress reports from grantees until a year of the grant has elapsed. We simply cannot understand how accountability can be achieved with such a strict rule being applied and that is one of the reasons we have eliminated grants for research altogether. We also understand that advertising of the national research priorities only takes place in the Federal Register. This seems too limiting of a publication to insure that the widest range of people and institutions are apprised of these contracts. It also seems to be a means of unduly restricting notice to those now receiving grants and contracts.

As we stated earlier regarding State funds for these purposes, we believe that there should be a connection between the funding of research, exemplary, and curriculum development programs. And, there should be much more dissemination of the results of these programs, especially through personal contact in meetings and such.

The Committee bill also directs the Office of Education to expend some these funds for national projects on contracts to convert for civilian use curriculum materials involving job preparation which have been prepared for use by the Armed Services of the United States. Testimony before the Committee showed that such materials have been developed with millions and millions of Federal dollars and that they can be relatively easily converted for civilian purposes.

The Committee bill also authorizes the Commissioner to grant teacher fellowships from the funds he or she has reserved for programs of national significance. These fellowships are to be for three types of recipients. The first type are for the graduate students who are receiving awards under the present program, section 552 of the Education Professions Development Act.

The Committee, however, has made several changes in that program. First, the Committee has expressly rejected amendments which would have ratified the present Office of Education regulations giving State directors effective control over the choice of the recipients of these fellowships and giving the State boards of vocational education approval authority over the graduate schools which may be attended. The present law never authorized the State directors to have appointing powers over these fellowships. The present Office of Education regulations have no basis in law. The Committee expressly overturns those regulations and reaffirms the present law which gives the Commissioner the authority to choose these individuals.

The Commissioner should exercise this choice through receiving advice from the State boards and through receiving advice from the other agencies which must be involved under these amendments in State planning and reporting. The Commissioner should also solicit recommendations from graduate schools offering these programs. The Commissioner must open the process for making these recommendations to a wide range of interests, and he or she must exercise a much more vigorous role in the selection process.

The Committee bill amends the present law to remove the authority of the State boards to approve the graduate programs at the institutions attended by these fellowship recipients. The Committee intends for the Commissioner to take a much more active role in evaluating the quality of these institutions and to limit the number of approved institutions. Presently, there are too many approved institutions with the effect that many do not offer programs of good quality.

The Committee also urges the Commissioner to seek out more members of minority groups for these awards, and to seek out people who have or can develop expertise in the fields of the disadvantaged and the handicapped. All these areas have been neglected through the present system of selection of awardees. The Committee also urges the Commissioner to use these awards for bringing about greater change in vocational education. Up to the present, it seems that there is too much concentration on selecting awardees from the traditional fields of vocational education.

The Committee also urges the Commissioner to use a more flexible system for equally distributing grants than the present formula. The factors mentioned in the present law were included in 1968 so that the awards would not be concentrated in a few States. These factors, however, were not meant to be turned into a strict formula for the distribution of these awards among States.

The Committee also urges the Commissioner to examine whether the present process of limiting awards to one year is the wisest use of the funds. There is some evidence that when awards were made for three years more qualified students were attracted. Possibly, a mix of one, two, and three year awards might afford the greatest flexibility in choosing the best qualified.

The Committee also urges the Commissioner to seek out individuals for awards who have not had backgrounds limited to vocational education. A mixture of fields and experiences would help the program.

The Committee also authorizes two new types of teacher fellowships. The first new fellowship is for teachers who have already been credentialed by the States in other fields and who have job skills which are in demand in vocational education. The second new fellowship is for persons in industry who have job skills in demand in vocational education but who do not necessarily have bachelor's degrees. These awards are meant to help alleviate the teaching shortage in vocational education and to bring in people with needed skills and new ideas. These are not awards for graduate students. Rather, they are awards for people to gain credit within a State in order to teach, including possibly gaining a bachelor degree.

In awarding these two new types of fellowships, the Commissioner is required to publish annually a listing of the areas in which there are shortages of trained vocational education teachers; and he or she is required to make these awards, insofar as practicable, to persons who can help to fill these shortages. It is expected that the Commissioner will not only survey the vocational areas which are in shortage but that he or she will also determine whether the job skills which the applicants bring with them are current job skills which are needed in vocational education. Consultation with industry and business is obviously necessary to identify these shortages and to specify the level of job skills that will be of most benefit to the program.

The Committee would like to make clear that under current law and under these new amendments institutionally endorsed intern activities by the recipients of all three types of fellowships is a legitimate activity to be carried on while they are recipients of these awards. There is a great deal which can be learned through intern activities, and we would not want to restrict these fellows from this type of training.

Bilingual Vocational Training

The Committee bill (section 111) retains as a separate categorical program the bilingual vocational training program. That program was added to the Vocational Education Act in the Education Amendments of 1974, Public Law 93–380. Since it has barely begun to be implemented, the Committee believes it best to retain it as a categorical program.

The Committee bill amends that program, however, by authorizing the Commissioner to make grants for instructional training and to make grants for the development of instructional materials, methods and techniques. The Committee has made these two changes because those two areas have been identified as the areas of greatest weakness in trying to operate effective bilingual training programs.

Studies of Vocational Education

The Committee bill (section 112) directs the Commissioner of Education to conduct a study on the extent to which sex discrimination and sex-stereotyping exist in programs assisted under the Act and on the progress which has been made in eliminating such bias and stereotyping. This report must be submitted to the Congress within two years of the date of enactment of these amendments.

The Committee bill also directs the National Institute of Education to undertake a thorough study and evaluation of vocational education programs. This study is to concentrate on the present distribution of funds and to project what the distribution should be in the future, examine the best methods of achieving compliance with Federal laws, analyze program quality, and conduct such supplemental studies as the NIE deems necessary in performing these tasks. The Institute's report is to be submitted to Congress no later than September 30, 1980. As part of this study the National Institute is to analyze the funds provided under the Act to the homemaking education program. This report is to be submitted to Congress separately by January 15, 1979.

Although the National Institute of Education is charged with undertaking this study, the Committee expects the NIE to consult with the Office of Education on the development of any requests for proposal, the choice of any review panels, and the actual awarding of any contracts or grants. This consultation role of the Office of Education cannot in any way be considered a veto power over the actions of the NIE since the NIE has clear responsibility for the study and the report. But the Committee does believe that a better study and report will result if the two agencies are able to work together.

The Committee would like to take this opportunity to comment upon a problem which has occurred over the years with studies being conducted by the Administration on various education programs. It seems that many of these studies, most of them self-initiated, are conducted without any real thought being given to whether the results can be made available in a timely fashion to the Congress. For instance, the final report conducted by the National Academy of Sciences on the vocational education research program (which is discussed earlier in this report) was scheduled to be released in July of this year. Any reasonable person would have known when the decision was made on timing the release of that report that that time would be far too late to have the report be of any use to the Congress. And yet, the Academy and its funding source, the Office of Education, were proceeding along that time schedule without any regard to what was happening in Congress with the legislation. Fortunately, with the cooperation of the National Academy and the Office of Education a preliminary copy of the report was able to be released in a timely fashion for the House Committee's consideration although it was too late for the Senate Committee's consideration.

This experience, though, is just the latest in a series of untimely reports on education programs which have been contracted to be done with Federal funds. The information almost always comes too late to be of any use to the Congress. The Committee, therefore, urges the Secretary of HEW to review the deadlines for all studies of education programs and to make these accord with the legislative timetable. Otherwise, the Department might as well not make such contracts and instead spend the funds on programs.

OVERSIGHT

No findings or recommendations concerning oversight of the program authorized by the Vocational Education Act have been received by the Committee from the Committee on Government Operations. The Subcommittee on Elementary, Secondary, and Vocational Education held 46-days of hearings during 1974, 1975, and 1976 on the Act and related programs; and the legislation in its present form is a result of the Subcommittee's hearings and oversight. Our oversight findings are stated above in the section describing the need for the legislation.

COST ESTIMATES

The Congressional Budget Office has provided the following estimates on the costs which will be involved in implementing the amendments to the Vocational Education Act, Title I of this bill. The Committee concurs in these estimates and adopts them in compliance with clause 7 of rule XIII. No cost estimates have been received to date from the Department of Health, Education, and Welfare.

CONGRESS OF THE UNITED STATES,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C. April 27, 1976.

Hon. CARL D. PERKINS,
Chairman, Committee on Education and Labor, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 12835, the Vocational Education Amendments of 1976.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely yours,

ALICE M. RIVLIN,
Director.

Attachments.

APRIL 26, 1976.

CONGRESSIONAL BUDGET OFFICE

COST ESTIMATE

1. Bill number: H.R. 12835.

2. Bill title: Vocational Education Amendments of 1976.

3. Purpose of bill: To extend the present authorizations for vocational education, with minor modifications, through fiscal year 1977; and beginning in fiscal year 1978 to consolidate several categorical grant programs for vocational education into fewer categorical grants to states for vocational programs. This authorization requires subsequent appropriations action.

4. Cost estimate:

Fiscal year costs:	*Dollars in millions*
1976	471
1977	659
1978	864
1979	1,008
1980	1,181
1981	1,351

5. Basis for estimate: This estimate (see above and Table A) is based on the authorization levels, where stated, in H.R. 12835 (see Table B); appropriations history, where the authorization is "such sums as may be necessary"; and Office of Education projections of the outlay patterns resulting from a given year's budget authority (see Table C).

6. Estimate comparison: Not applicable.

7. Previous CBO estimate: Not applicable.

8. Estimate prepared by: Steven P. Chadima (225-4745).

9. Estimate approved by:

(For James L. Blum, Assistant
Director for Budget Analysis).

TABLE A.—SPEND OUT OF H.R. 12835 AUTHORIZATION LEVELS

[In millions of dollars]

Fiscal year	Authorization levels	Outlays—Fiscal year— 1976	1977	1978	1979	1980	1981
1976	980.2	470.5	313.7	166.6	29.4		
1977	780.2		345.7	230.3	122.4	21.6	
1978	973.5			467.3	311.5	165.5	29.2
1979	1,134.0				544.3	362.9	192.8
1980	1,314.5					631.0	420.6
1981	1,475.5						708.2
Total		470.5	659.4	864.4	1,007.6	1,181.0	1,350.8

TABLE B.—AUTHORIZATION LEVELS IN H.R. 12835—VOCATIONAL EDUCATION AMENDMENTS OF 1976 INCLUDING CHANGES REPORTED BY THE COMMITTEE ON EDUCATION AND LABOR THROUGH APR. 16, 1976

[Dollar amounts in millions]

Function	VEA section (1976–77)	Fiscal year— 1976	Fiscal year— 1977	VEA section (1977–82)	Fiscal year— 1978	1979	1980	1981	1982
State grants (pts. B and C)	102(a)	$565	$500	131(a)	$800	$950	$1, 100.0	$1, 250.0	$1, 450
Grants for disadvantaged	102(b)	60	30	(2)					
Grants for bilingual vocational education.	102(c)	17.5	40						
Exemplary programs (old pt. D).	142(a)	75	20	(2)					
Residential demonstration schools (old pt. E).	151(b)	35		(2)					
State residential programs	152(a)(1)	15		(2)					
Construction loan subsidy grants.	153	[1] 0							
Cooperative education (old pt. G).	172(a)	75	25	(2)					
Work-study (old pt. H)	181(a)	45	15	(2)					
Curriculum development (old pt. I).	189(b)	10	5	(2)					
Consumer education (old pt. F/new pt. D).	161(a)(1)	50	45	141(a)	60	70	80.0	90.0	
Bilingual projects (old pt. J/new pt. F).	193	17.5	10	163	80	80	100.0	100.0	
State plans, advisory councils, dissemination.	102(d)	[1] 5	[1] 5						
National Council (technical assistance).	104(a)(4)	.15	.15						
National Council (all activities).				105(a)(4)	.45	.48	.5	.5	
State councils				105(c)(1)	8	8.5	9.0	10.0	
State plans, evaluation				108(a)	25				
				121(a)		25	25.0	25.0	
Vocational teacher training	Title V-F, HEA.	[1] 10	25						
Total authorization		980.15	720.15		973.45	1, 133.98	1, 314.5	1, 475.5	1, 450

[1] "Such sums as may be necessary"—Amounts are estimates based on appropriations history.

[2] Folded into State grants; or amounts reserved to Commissioner from State grants appropriation.

TABLE C.—SPEND OUT RATIOS FOR VOCATIONAL EDUCATION

[In percent]

	Year 1	Year 2	Year 3	Year 4
Grants to States	51	31	15	3
Research	20	41	35	4
Total	48	32	17	3

Source: U.S. Office of Education Budget Office. Weights for total based on current appropriations.

INFLATIONARY IMPACT

Although the authorizations for vocational education in this legislation will increase at a rate greater than the projected growth of total budget authorities from 1977 to 1981, the Committee feels that the inflationary impact of the legislation will be slight.

Compared with Congressional Budget Office projections of total budget authorities based on a 5% growth path, vocational education authorizations would only amount to the following percentages of total Federal authorities for each of the next five fiscal years:

	Percent
1977	0.15
1978	.19
1979	.21
1980	.23
1981	.24

The authorizations in this legislation would amount to the following percentages of the Gross National Product for those years, as projected by the Congressional Budget Office again assuming a 5% growth path:

	Percent
1977	0.039
1978	.047
1979	.050
1980	.052
1981	.054

The total authorizations from 1977 through 1981 for this legislation equal $5,617,580,000. The Committee feels, however, that these expenditures will be greatly offset by the increased tax revenue received from persons trained with these funds to perform higher-level and higher-paying jobs.

Section-by-Section Analysis of Title I

Section 101. The declaration of purpose of the Vocational Education Act of 1963 is amended by inserting "regardless of sex, race, religion or national origin" after the statement that "all persons of all ages . . . will have ready access to vocational education training".

All authorizations of appropriations in the present law are extended through fiscal year 1977, except for the three residential school programs which are repealed. The total authorizations of appropriations under the Act are reduced from approximately $980,000,000 to approximately $720,000,000 for fiscal year 1977.

Section 102. These amendments provide that five percent of the appropriations under the Act for basic State grants are reserved to the Commissioner for national programs (see section 111) and for transfer to the newly created National Occupational Information Coordinating Committee established pursuant to these amendments. The Commissioner must transfer no less than $3,000,000 and no more than $5,000,000 for any one fiscal year to this Committee for the purpose of improving the collection and use of job data in vocational education and in employment and training programs.

Under the present law funds are reserved to the Commissioner under the separate categorical research and demonstration, exemplary projects, residential schools, curriculum development, and bilingual programs. Present law requires the Commissioner to reserve funds for the collection and use of manpower data, but there is no minimum amount required to be reserved although the maximum is set at $5,000,000 a year.

These amendments provide that from the same appropriation the Commissioner is also authorized to reserve an amount approximately equivalent to the same percentage of that appropriation as the population aged 15 to 24 eligible to receive educational benefits as Indians from the Bureau of Indian Affairs is to the total population of all the States for those ages, except that such amount shall not exceed 1 percent of the appropriation. The Commissioner must, upon the request of any Indian tribe contracting for the administration of programs with the Department of Interior, under the Indian Self-Determination Act or the Johnson-O'Malley Act, enter into a contract with an organization of that tribe to administer vocational education programs with these funds. From the remaining funds the Commissioner may enter into an agreement with the Bureau of Indian Affairs for the operation of vocational education programs in BIA schools. The present law contains no such reservation of funds for programs for Indians.

All the programs consolidated into the basic State grant by these amendments (see section 109) are considered part of the basic State grant for purposes of allocation of funds, instead of having the funds for those purposes distributed on the basis of different formulas as provided in present law. The minimum payment per State is accordingly increased from $10,000 to $200,000 for the purposes of the basic State grants and a provision is included holding each State harmless to its fiscal 1976 allotments.

Section 103. The requirement is retained from present law that the vocational education programs must be administered by a single State agency established pursuant to State law, but this agency is permitted by these amendments to delegate responsibility for administering portions of the program to other State agencies. Any such delegation must be certified to the Commissioner as part of the annual accountability report required to be submitted by these amendments.

Section 104. The Commissioner of Education is required by these amendments to assign to the Bureau of Occupational and Adult Education, beginning in fiscal year 1977, at least as many persons to directly administer programs authorized under the Vocational Education Act of 1963 as were assigned to directly administer that Act during fiscal year 1967. The Bureau is required to conduct a comprehensive program audit of each State before September 30, 1981; and the Department of Health, Education, and Welfare is required to conduct a comprehensive fiscal audit of each State before that date.

The section of the Occupational Education Act (Title X, Part B, of the Higher Education Act of 1965) creating the Bureau of Occupational and Adult Education is transferred by these amendments to appear as part of the Vocational Education Act of 1963 and the responsibilities of the Bureau are clarified.

Section 105. The provisions of present law creating a National Advisory Council on Vocational Education are amended to remove the reference to representation of members from particular job fields and to require representation of a member who presently serves on the National Commission for Manpower Policy created pursuant to the Comprehensive Employment and Training Act. The membership of the National Council is also broadened to require members who are knowledgeable in the field of guidance and counseling, representative of non-profit private schools, and women with backgrounds and experience in employment and training programs who are knowledgeable with respect to problems of job discrimination. A new requirement is added that the National Council cannot have as a majority of its members persons who are educators or administrators in the field of education.

The functions of the National Council are broadened to include providing technical assistance and leadership to the State advisory councils created under the Act, and to identify, after consultation with the National Commission for Manpower Policy, the vocational education and manpower needs of the Nation and to assess the extent to which present programs are meeting such needs, including commenting at least once annually on the reports of the National Commission. The authorization of appropriations for the National Council are changed from $150,000 a year to $450,000 for fiscal year 1978, and $475,000 for fiscal year 1979, and $500,000 for each succeeding fiscal year ending prior to September 30, 1981.

The provision authorizing the National Council is extended through the term of the Vocational Education Act, including the contingent extension year. The National Council is forbidden from excepting grants and is limited in accepting gifts or transfers of funds from other agencies to those instances where the receipt of such gifts and transfers will better enable it to carrry out its functions as described in the Act.

The National Commission for Manpower Policy created under the Comprehensive Employment and Training Act is required by the amendments to have a member who is a representative of the National Advisory Council on Vocational Education; and its functions are expanded to include identifying, after consultation with the National Advisory Council, the manpower and vocational education needs of the Nation and to assess the extent to which present programs are meeting such needs, including commenting at least once annually on the reports of the National Advisory Council.

Present law is also amended by requiring staggered three-year terms for members of the State advisory councils on vocational education. Each State advisory council is newly required to have as a member a representative of the State Manpower Services Council established under the Comprehensive Employment and Training Act. The State advisory councils are also required to have members who are knowledgeable in the field of guidance and counseling, representatives of nonprofit private schools, women with backgrounds and experiences in employment and training programs and who are knowledgeable about job discrimination, a vocational education teacher, a local school superintendent, and a school board member.

The functions of these State advisory councils are expanded to include assisting the State board, local educational agencies, and other public agencies in establishing and working with local advisory councils and to identify, after consultation with the State Manpower Services Council, the vocational education and manpower needs of the State and to assess the extent to which present programs are meeting such needs, including commenting at least once annually on the reports of the State Manpower Services Council.

The present law is also amended to clarify the independence of these State advisory councils by giving each council the discretion to choose a State agency as its fiscal agent for receiving funds and by making clear that the advisory councils have control of their operating procedures and staffing. The authorization of appropriations for the advisory councils are specified as $8,000,000 for fiscal year 1978, $8,500,000 for fiscal year 1979, $9,000,000 for fiscal year 1980, and $10,000,000 for fiscal year 1981. The minimum grant to each advisory council is increased to $100,000 from the $50,000 specified in present law; and the maximum grant is increased to $300,000 from the $150,000 specified in the present law. The present law does not contain any specified amount in the authorization of appropriations for these councils.

Each State Manpower Services Council is required by these amendments to have as a member a representative of the State Advisory Council on Vocational Education; and its functions are expanded to include identifying, after consultation with the State advisory council, the manpower and vocational education needs of the State and to assess the extent to which present programs are meeting such needs, including commenting at least once annually on the reports of the State Manpower Services Council.

Section 106. A new requirement is included in the Vocational Education Act that each State board must submit to, and maintain on file with, the Commissioner a general application providing assurances that the State will administer the program in accordance with the law, the State will work with the State advisory council and with the other State agencies required to be involved in writing the State plan, Federal funds will not be used to supplant State or local funds, the combined fiscal effort per student of each local agency in the State with respect to vocational education will be maintained, proper fiscal accounting procedures will be established, the State will base the distribution of funds upon appropriate factors including using as the two most important factors the relative financial ability of agencies and the number or concentration of low-income families or individuals within such agencies, no uniform local matching of funds will be required and no funds will be denied to an agency making a reasonable tax effort, local applications will be developed in consultation with local advisory councils if established, copies of the State plan and other governing documents will be available, and the use of funds required under the Act to be spent for the handicapped will be consistent with the State plan submitted under the Education of the Handicapped Act. Under present law most of these provisions are required to be submitted by each State each year in its annual State plan. This amendment would only require the submission of such provisions once in the general application.

Section 107. The definition of "vocational education" is amended from present law to limit it to actual instruction and the purchase of equipment.

The definitions of various other terms in the Act are transferred from different sections of current law into a common section on definitions. The term "disadvantaged" is newly defined to mean persons having economic or educational disadvantages. A new definition is provided for "administration" which will be those activities of a State necessary for the proper and effective performance of its duties under the Act, including supervision. A new definition of "industrial arts" is also included.

Section 108. Under current law each State is required to submit a five-year State plan and an annual State plan. These provisions are amended to require each State to develop two three-year State plans, one during fiscal year 1977 and the other during fiscal 1980. These plans would begin the year after they are submitted. There are authorized to be appropriated $25,000,000 for each fiscal year beginning in fiscal 1977, for the purposes of writing these State plans, writing the annual accountability reports, and conducting evaluations newly required by the Act.

These amendments provide that these State plans would have to be developed with the active participation of the State higher education and manpower agencies, with the State advisory council for vocational education and with the Manpower Services Council. This participation must include at least one meeting during the planning year between representatives of the State board and representatives of all these agencies and councils, meeting as a group. If these agencies and councils and the State board are not able to agree upon the provisions of the State plan, the State board would have the responsibility for reaching a final decision. Any such agency or council, however, would have the right to appeal the board's decision to the Commissioner and to be afforded a hearing. The Commissioner would have to determine whether the State board's decision is supported by substantial evidence as shown in the State plan, but any agency or State board dissatisfied with the final action of the Commissioner could appeal to the Federal appellate courts as provided in the General Education Provisions Act.

The State board is required by these amendments to conduct a series of public hearings throughout the State in formulating the State plan; and this plan must include an assessment of the job skills needed within the State and the objectives the State will seek to achieve in meeting the need for such job skills, including a description of these objectives, in terms of courses, enrollments, allocations of responsibility for courses among levels of education and among institutions, and the allocations of all financial resources to offer these courses. This plan must also set out the reasons for choosing these courses, enrollments, and allocations. Each State is required to continue to spend the same amount for secondary school programs during fiscal years 1978 and 1979 as it had used for such programs during fiscal years 1975 and 1976 unless the State is able to demonstrate in its plan the need to shift funds from such use. This plan must also set forth policies and procedures the State will follow in assuring equal access to vocational education by both men and women and programs to meet the needs of single heads of households and other such persons.

Each State is required by these amendments to submit an annual accountability report to the Commissioner by the January 1 following the close of the fiscal year describing the degree to which the State had met the objectives of the State plan, showing the distribution of Federal funds within the State (including the use of these funds for inservice teacher training and programs for single heads of household and other such persons) and containing a summary of the evaluations required to be conducted by these amendments. The Commissioner must approve these reports by March 1st if they are in compliance with the law and must transmit to each State board an analysis of such report suggesting improvements in the State program.

The present law is amended to require that every program within a State receiving Federal assistance under this Act must be evaluated in terms of its effectiveness during the three-year period of the State plan. These evaluations must be used to revise the State plan.

Each program within a State purporting to impart entry-level job skills must be evaluated, using data collected from statistically valid sampling techniques wherever possible, in terms of the extent to which program completers and leavers have found employment in occupations related to their training and are considered by their employers to be well trained and prepared for employment. Each such program must also be evaluated in terms of one of five other standards, including the satisfaction of students with their jobs. The State board must work with the State advisory council in formulating the plans for these evaluations.

These amendments also provide that the Commissioner and the Administrator of the National Center for Education Statistics must, by January 1, 1977, jointly develop a national vocational education data reporting and accounting system. This system must include information on programs and students, including information on students by their race and sex. This system must be implemented at the beginning of fiscal year 1978, and each State receiving assistance under the Act must comply with the system in supplying its reports. The Commissioner is required by these amendments to submit to Congress within nine months of the end of the fiscal year a report on the status of vocational education within the country.

The present law is also amended to require the establishment of a National Occupational Information Coordinating Committee composed of the Commissioner, the Administrator, the Commissioner of Labor Statistics, and the Assistant Secretary for Employment and Training. This Committee is charged with improving, in the use of program data and employment data, coordination between CETA and vocational education program administrators, developing by January 1, 1977 an occupational information system to meet the common needs of CETA and vocational education, and assisting similar State committees. Each State by January 1, 1977 must establish a State occupational information coordinating committee along the same lines as the national committee.

Section 109. The present law is amended to consolidate into the basic State grant the separate categorical programs providing special programs for the disadvantaged, research and development, exemplary and innovative programs, residential vocational education, cooperative education, work study programs, and curriculum development. The only program which is presently administered by the States which is left separate is the consumer and homemaking program.

The authorizations of appropriations for this consolidated State grant are $800,000,000 for fiscal 1978, $950,000,000 for fiscal 1979, $1,100,000,000 for fiscal 1980, $1,250,000,000 for fiscal 1981, and $1,450,000,000 for each succeeding fiscal year.

The definitions contained in present law for postsecondary and adult programs are clarified so that postsecondary programs mean programs for persons studying toward an associate degree and adult programs mean all other programs for persons who have completed or left high school.

The minimum requirement of funding for these programs is retained at 15 percent of a State's basic grant. Likewise, the minimum requirement for funding of programs for the handicapped is retained at 10 percent of a State's grant. The minimum requirement of funding for the disadvantaged is increased from 15 percent to 25 percent of a State's grant. Under this increased minimum for the disadvantaged, States are permitted to fund special programs for the disadvantaged, work study programs, and stipends to students in need. These stipends and placement services (which are authorized elsewhere) can only be provided if no other adequate services are being provided through other programs.

In addition to permitting the funding of the programs authorized under the present law with basic State grants, programs are also authorized to be funded for State review of instructional materials to insure that such materials do not reflect sex stereotyping and programs for single heads of household and other such persons. Present law is also amended to provide that funds spent on programs for the disadvantaged and the handicapped must be used, to the maximum extent possible, to assist such individuals to participate in regular vocational education programs.

Present law is amended by revising what is known as "ancillary services" to label them as "supportive services" and by limiting them to vocational guidance and counseling activities, provision of stipends, placement services, pre-service and in-service education, industrial arts programs, State administration of programs and local supervision of programs, support services for women, and day care services.

The present law is amended to require the States to fund programs for the improvement of vocational education through State research coordinating units, to encourage innovative projects to eliminate sex stereotyping, to provide improved curriculum materials free of sex stereotyping, and the dissemination of the results of research, innovative projects, and improved curriculum materials. No contract, however, can be made for program improvement unless the applicant can demonstrate a reasonable probability that the contract will result in improved teaching techniques or curriculum materials used in a substantial number of classrooms within five years.

Residential vocational schools are continued as an authorized activity, but special consideration must be given by States to the needs of isolated rural areas as well as to the needs of large urban areas in funding these programs.

The work study program is amended to remove the present limitations requiring no more than 15 hours of work in any week and requiring payments of no more than $45 in any month and of no more than $350 in any year. The Commissioner is charged with setting reasonable time and wage limitations. The program is also amended to permit students to work for private non-profit agencies.

The present requirement that the States must match every dollar of Federal funds with a dollar of State and local funds for vocational education is retained. New requirements, however, are included to require the same matching for programs for the disadvantaged and for the handicapped, and to limit States to using Federal funds to pay for no more than 75 percent of their expenditures for State administration and local supervision in fiscal 1978 and no more than 50 percent of such expenditures in each succeeding fiscal year.

Section 110. The consumer and homemaking program is amended to require that the funds be used for consumer education, family resource management, and life skills at all educational levels; and the authorization of appropriations is increased from $50,000,000 for fiscal 1976 to $60,000,000 for fiscal 1978, $70,000,000 for fiscal 1979, $80,000,000 for fiscal 1980, and $90,000,000 for fiscal 1981. Twenty-five percent of new appropriations are reserved to the commissioner.

Section 111. The various reservations of funds for the Commissioner included in the present Act are consolidated into one reservation of 5 percent of the appropriations. From these funds the Commissioner must contract for research programs, exemplary programs, curriculum development, dissemination of the results of these projects, and support (not to exceed $5,000,000 for any fiscal year) of a national center for research in vocational education. This national center is to be chosen on a competitive basis once every five years and is to conduct applied research, provide leadership development, act as a clearinghouse for information on research and innovative programs, and work with the States in developing methods of evaluations.

No contract can be made by the Commissioner under this authorization, except for support of the national center, unless the applicant can demonstrate that the contract will result in improved teaching techniques or curriculum materials within five years.

These amendments require the Commissioner to make contracts to convert to use in public and private schools curriculum materials involving job preparation which had been prepared for use by the Armed Services of the United States.

The present law is also amended to require the establishment of a Coordinating Committee on Research in Vocational Education within the Education Division of the Department of Health, Education, and Welfare. This Committee must develop a plan for each fiscal year establishing priorities for the use of Federal funds for vocational education research, career education research, education and work research, exemplary programs, and curriculum development. This Committee must also develop an effective management information system on these projects.

Part F of the Education Professions Development Act is transferred to the Vocational Education Act; and the section authorizing national in-service training programs is repealed. This section authorizing leadership awards is amended to increase the amount of institutional awards from $3,500 to $4,500 and to provide for a limit of $1,000 per person per summer session. This section is also amended to require the institutions of higher education to use these funds to improve their vocational education training programs. Two new types of fellowships are also authorized: for certified teachers in other areas and for skilled people in industry to become vocational teachers.

The bilingual vocational training program is retained as a categorical program and is amended to permit funding of instructor training and the development of instructional materials. The authorization is increased to $80 million each for fiscal 1978 and 1979 and $100 million each for fiscal 1980 and 1981.

Section 112. The National Institute of Education is charged with conducting a comprehensive study of the effectiveness of vocational education with the final report due no later than September 30, 1980. No more than $2,000,000 a year may be used to conduct this study. Ten percent of these funds must be used for studying the homemaking education program, and that report is due separately by 1979.

The Commissioner is to conduct a study on sex stereotyping and bias and is to report by 1978.

TITLE II

TITLE II—EXTENSION OF AUTHORIZATIONS OF APPROPRIATION FOR THE NATIONAL INSTITUTE OF EDUCATION

PURPOSE

Title II of H.R. 12835 as amended would:

1. extend the authorizations of appropriations for the National Institute of Education (NIE) for three additional years, through fiscal year 1979;
2. define more clearly the educational problems on which the Institute is to concentrate its resources (i.e., basic skills, finance and productivity, educational equity, work and education, and dissemination);
3. allow for the designation of "educational extension agents" to disseminate the results of educational research or other information;
4. encourage a broader degree of representation on the policy making National Council on Educational Research, and permit the Council to hire independent staff;
5. establish a new Federal Council on Educational Research, to be headed by the Director of the National Institute of Education, and made up of representatives from all of the Federal agencies conducting educational research. The main functions of the Council will be to report annually to the Congress and the President on the status of educational research and development in the United States, and to make recommendations on how to best disseminate this information; and,
6. encourage greater coordination among Federal agencies conducting and/or supporting educational research and development projects.

BACKGROUND

The establishment of the NIE is contained in Sections 401 and 405 of the General Education Provisions Act, as amended by the Education Amendments of 1972. These sections create within the Department of Health, Education, and Welfare an Education Division, headed by an Assistant Secretary for Education, and composed of two agencies: the Office of Education and the National Institute of Education. The National Institute of Education has a National Council on Educational Research and a Director. The mandate of the Institute is to "seek to improve education, including career education, in the United States through:

1. helping to solve or to alleviate the problems of, and achieve the objectives of, American education;
2. advancing the practice of education, as an art, science, and profession;

3. strengthening of the scientific and technological foundations of education; and

4. building an effective educational research and development system."

The Institute is obligated to spend not less than 90 percent of its regular appropriations through grants and contracts with qualified public or private agencies or individuals. The original authorization was $550,000,000 for the three-year period ending June 30, 1975. Section 414 of the General Education Provisions Act extends this authorization for one additional year through fiscal year 1976.

The Director of NIE is appointed by the President, by and with the advice and consent of the Senate. The National Council on Educational Research consists of fifteen (15) members also appointed by the President, by and with the advice and consent of the Senate, with staggered terms of three years.

Among the functions of the Council are establishing general policies for the Institute, providing advice on the development of the Institute's program and preparing annual reports on the status and needs of educational research.

The Education Amendments of 1974 (Public Law 93-380, August 21, 1974) authorized the Institute to make a "thorough evaluation and study of compensatory education programs," including such programs conducted by states and such programs conducted under Title I of the Elementary and Secondary Education Act. Fifteen million dollars were authorized for this effort from the evaluation set aside in the regular Title I appropriation. The 1974 amendments also authorized the Institute to carry out programs of research in the fields of bilingual education and education of gifted and talented children.

MAJOR ACTIVITIES

The Institute is currently organized into functional units to address specific educational problems and to engage in major research activities. These units include:

Dissemination and resources group

With the aim of improving the quality of information on the results of educational R. & D. and speeding and broadening the flow of information to users, the NIE began in 1975 a dissemination program in 10 state educational agencies. Building upon the substantial United States Office of Education and NIE investment in the Education Resources Information Centers (ERIC) system, which provides and maintains an educational research and development information service, this new program allows field agents to provide information search, retrieval and analysis to teachers and administrators in response to their needs and problems. Similar to the successful program of agricultural extension agents, the concept of educational field agents, backed up by information specialists usually found in the State Education Agency, was pilot-tested and independently evaluated in nine states and five local settings before its field initiation this year. In addition to demonstrating the effectiveness of the field or extension agent concept, these pilot projects were so useful to teachers and administrators that all but one of the 14 projects were continued with state and local funds after the NIE support ended.

In FY 1976, in addition to continuing the ten projects begun in FY 1975, a similar number of new state projects began. The goal of this program over the next five years is to build a responsive dissemination capacity in every state in the nation with an interest in improving services to teachers and administrators.

Basic skills group

Over the past two years, the Institute has developed a comprehensive program of research and development addressing the question of how children acquire basic skills in reading and mathematics. Activities have included:

1. Providing for continued development of the Individual Guided Education program developed at the University of Wisconsin's R&D Center. This program, praised by teachers and administrators as an inexpensive method of providing reading instruction on an individualized basis, has been adopted in 3,600 schools in 48 states. Schools using this program have reported a marked rise in student reading achievement.

2. Funding a program to develop materials and train teachers and school administrators to do evaluations in their own institutions. More than 2,500 administrators and teachers have received workshop training on the stages of an evaluation process, the use of manuals, self and group-instructional packages and evaluation kits. Over 10,000 other people have received training and evaluation materials, which are in use in every state and in 22 foreign countries.

3. Providing support to identify and measure unusually effective teacher characteristics and practices. A California study, funded by NIE, examines the teaching of reading and mathematics in the second and fifth grades. Since 31 states are considering licensing requirements based on teacher competency, the identification of what teaching characteristics are important for improving student learning promises to have significant impact on American teacher education.

Finance and productivity group

NIE's programs in finance, productivity and management emphasize investigation of school reform, innovative forms of school management, competency based educational programs and the cost efficiency of using new technologies. Activities have included:

1. Funding of the Education Satellite Demonstration project serving populations in the Appalachia and Rocky Mountain areas and Alaska. This project is designed to determine the costs, and to assess the effectiveness, of using advanced technology to extend education programs to remote regions. An assessment and analysis of the project are currently being conducted.

2. Supporting a project to document and analyze locally developed school management practices that have contributed to solving administrative and instructional problems in schools. The work was based on the nine awards made in FY 1974. Limited to schools enrolling low-income children in large urban areas, the grants were made to local education agencies, teacher and business associations, and community organizations. There were approximately 37,000 children in the 32 schools involved in this program. The documentation and analysis provide information on how different planning and decision making tactics work—and how they might be useful in other school districts.

Educational equity group

Many students may be educationally limited because of their home language, culture, race, ethnic background, sex, socioeconomic status or academic achievement patterns. The Institute is investigating and developing means to help educational communities meet their responsibilities to provide high quality education for those with limited educational opportunities. Activities include:

1. Development of more responsive tests to assess children's competencies in reading Spanish for grades K–6.

2. Development of two catalogues of bilingual curriculum materials. One catalogue will develop an inventory of 750 Spanish curriculum materials. The other will contain a compilation of curriculum materials in four Asian languages: Chinese, Japanese, Korean and Vietnamese.

3. Research on women's educational problems. This has produced several accomplishments, including:

(*a*) a ten-year review of "sex role" stereotyping in literature;

(*b*) a survey of women's participation and rewards in the educational research community.

4. Maintaining a bilingual-bicultural program which is directed at providing assistance to schools affected by the *Lau* v. *Nichols* decision that mandated that public schools must provide programs to assist all children, regardless of ethnic background, to succeed in classrooms. This program combines long-term research and curriculum projects with policy analysis and information dissemination activities to insure short term results.

The Educational Equity Group is also engaged in a major study of compensatory education. NIE was directed to conduct this three-year, $15 million effort in the Education Amendments of 1974. Funding is provided from the evaluation set-aside in the regular Title I appropriation, as authorized by section 151. The 1974 amendments instructed NIE to:

1) evaluate the fundamental purposes of compensatory education programs, including Title I of the Elementary and Secondary Education Act, and their effectiveness in meeting those purposes;

2) analyze methods for accurately identifying children with the greatest need for such programs;

3) analyze the effectiveness of specific educational methods in providing compensatory services to such children; and

4) explore alternative methods for distributing funds to states and local educational agencies for compensatory education programs.

As part of the research effort Congress authorized a limited number of demonstration projects—not more than 20—to provide greater insight into the possible benefits of new uses of, and new distribution patterns for compensatory education funds.

The Committee is pleased to note that the research designed by NIE attempts to consider the wide variety of purposes for which Title I funds are spent at the school district level—basic skills development, counseling, teacher training, and nutrition programs, to mention only several—and attempts to assess the benefits of Title I in a variety of ways, including benefits to school districts and to students.

It should also be noted that the Equity Group has been particularly conscientious about keeping Congress and interested educational groups advised of the progress of the study.

As required by the legislation, a research plan was submitted to the authorizing committees in December 1974. Without objection from either committee, NIE began to implement the study in February 1975. Since that time, the Institute has issued other progress reports on the study and has consulted widely with state and local educational leaders.

The Committee is aware that the Office of Education has initiated a related study, a large investigation of the degree to which Title I achievement gains are sustained over time. The Committee wants to express its grave concerns about this study because it has been mounted with funds designed primarily to help improve local and state evaluations of Title I, and because local school district officials are confused about the relationship between this study and the NIE effort. The Committee does not question the desirability of obtaining the information the Office of Education is seeking, but does question the wisdom of seeking it at this time and in a way that requires the obligation of virtually all of the funds which should have been directed at local and state capacity building in evaluation.

Education and work group

Students have increasing difficulties in making the transition between school and work, and adults increasingly need to move from work to school in order to compete in the labor market. The education and work program in the Institute supports research and development to improve an individual's ability to choose, enter, and progress in work and education. Activities over the past few years in this area have included:

1. Development of an alternative approach to completing the final years of high school called Experienced Based Career Education (EBCE). More than 400 businesses, labor unions and public agencies have become active partners with the schools in blending planned experiences in the world of work with applied academic study.
2. Development of an alternative high school for 11th and 12th grade drop-outs and potential drop-outs. The program helps students by providing career exploration. It also offers an academic program leading to a high school degree, entry into further technical training, into college, into an on-the-job training program or to an improved job.
3. Development of a career decision-making program for high school students including a career information system of guidance and employment background materials.
4. Development of the Mountain Plains Program providing career counseling, occupational preparation and placement for multi-problem families in rural areas.

The Committee commends the National Institute of Education for the fine effort it has made over the past four years. The many and varied accomplishments of the Institute should be applauded in light of the internal and external obstacles that have challenged its effectiveness as a national focal point for leadership in educational research and development. It is the view of this Committee that the new amendments contained in H.R. 12835 provide for a more effective

Institute both internally and externally. In addition, the Committee shares the conviction that first rate standards in research and development must be established in all work by the National Institute of Education if it is to be successful. The amendments contained within this report encourage the attainment of these standards.

LEGISLATIVE HISTORY

On April 15, 1975, H.R. 5988, a bill to extend the authorizations of appropriations for the National Institute of Education, to establish priorities on which the resources of the Institutes will be concentrated, and for other purposes, was introduced by Mr. Brademas (for himself), Mr. Quie, Mr. Perkins, Mr. Bell, Mr. Thompson, Mr. Esch, Mr. Dominick V. Daniels, Mr. Eshleman, Mr. O'Hara, Mr. Peyser, Mr. Ford of Michigan, Mr. Sarasin, Mr. Meeds, Mr. Buchanan, Mr. Biaggi, Mr. Pressler, Mr. Lehman, Mr. Goodling, Mr. Benitez, Mr. Blouin, Mr. Cornell, Mr. Simon, Mr. Beard of Rhode Island, Mr. Zeferetti, and Mr. Hall. HR 5988 was referred to the Committee on Education and Labor and subsequently to the Subcommittee on Select Education. Hearings were held by the Subcommittee on July 30; November 3, 4, 5 and 6, 1975. On July 30, 1975, the Subcommittee heard from the Honorable Donald M. Fraser, Member of Congress, Minnesota, and the Honorable Bob Eckhardt, Member of Congress, Texas. In order to obtain a broad overview of the educational research and development field, the Subcommittee invited on November 3, 1975, a distinguished panel of experts familiar with NIE and national efforts in research and development. This panel consisted of: Roger Levien, Acting Director, International Institute for Applied Systems Analysis; Thomas Glennan, Study Director, National Academy of Science; William Turnbull, President, Educational Testing Service; George Weathersby, Professor, Harvard Graduate School of Education; James Gallagher, Director, Frank Porter Child Development Center, University of North Carolina.

On November 4, the Subcommittee heard from a broad group of witnesses concerned with educational research and development. They were: Harold Howe, Vice President, Division of Educational Research, Ford Foundation; Richard A. Rossmiller, Council for Educational Development and Research, accompanied by, Robert G. Scanlon, Chairman of CEDAR; William B. Cannon, Dean, Lyndon B. Johnson School of Public Affairs; Janet Welsh Brown, President Elect, Federation of Organizations for Professional Women; Philip R. Jones, President Council for Exceptional Children, accompanied by, Fred Weintraub, Assistant Executive Secretary, Council for Exceptional Children; Victor VanHook, President, American Vocational Association; and Roger Gomez, Legislative Assistant, League of United Latin American Citizens.

On November 5, the Subcommittee heard witnesses representing associations concerned with education research and development. Testifying were: Joseph Cronin, American Educational Research Association; Robert L. Egbert, American Association of Colleges for Teacher Education; David Krathwohl, Dean, School of Education, Syracuse University; Ray Peterson, Council of Chief State School Officers; Charles Saunders, American Council on Education; Dave

Darland, Associate Director of the Instruction and Professional Development, National Education Association; Eugenia Kemble, American Federation of Teachers, accompanied by Gregory Humphery, American Federation of Teachers; August Steinhilber, National School Boards Association; and Walter G. Davis, AFL-CIO.

On November 6 the Subcommittee heard from witness representing the Administration. Appearing were: Virginia Trotter, Assistant Secretary for Education, Department of Health, Education and Welfare, accompanied by Harold Hodgkinson, Director, National Institute of Education, DHEW, and Richard Hastings, Acting Deputy Assistant Secretary for Legislation, DHEW; and Carl H. Pforzheimer, National Council on Educational Research, DHEW.

On December 16, the Subcommittee on Select Education met in open executive session and reported H.R. 5988 with amendments to the Committee on Education and Labor by a unanimous vote. On January 28, 1976, Committee action on H.R. 5988 was completed, pending further consideration as to the most appropriate way to move this bill in relation to other education bills being considered in other Subcommittees. On Tuesday, April 13, 1976, the House Education and Labor Committee amended H. R. 12835, the Vocational Education amendments of 1976, to include H.R. 5988 as Title II of that bill, and ordered H.R. 12835 as amended reported by a unanimous vote of 34 ayes.

PRINCIPAL PROVISIONS OF H.R. 5988

Functions of the National Institute of Education

As originally conceived the National Institute of Education was created to seek improvement in education in the United States through:

1. helping to solve or to alleviate the problems of, and achieve the objectives of, American education;
2. advancing the practice of education, as an art, science, and profession;
3. strengthening of the scientific and technological foundations of education; and
4. building an effective educational research and development system.

H. R. 12835 includes a provision that defines more clearly the educational problems to which the Institute is to concentrate its resources over the next three years. The amendment specifies that the Institute shall seek to improve education in the United States through concentrating the resources of the Institute on the following research and development needs:

1. improving student achievement in basic educational skills;
2. overcoming financial and management problems in educational institutions;
3. improving the provision of educational opportunities for students of limited English-speaking ability, women, and students who are socially, economically, or educationally disadvantaged;
4. career preparation; and,
5. improving dissemination of the results of educational research and development.

Members and Staff of the National Council on Educational Research

Under NIE's enacting legislation in 1972, the National Council on Educational Research was authorized to be the policy-making body for the Institute. The Council's functions are to:

1. establish general policies for, and review the conduct of, the Institute;
2. advise the Assistant Secretary and the Director of the Institute on development of programs to be carried out by the Institute;
3. present to the Assistant Secretary and the Directors such recommendations as it may deem appropriate for the strengthening of educational research, the improvement of methods of collecting and disseminating the findings of educational research and of insuring the implementation of educational renewal and reform based upon the findings of educational research;
4. conduct such studies as may be necessary to fulfill its functions under this section;
5. prepare an annual report to the Assistant Secretary on the current status and needs of educational research in the United States;
6. submit an annual report to the President on the activities of the Institute, and on education and educational research in general, which (a) shall include such recommendations and comments as the Council may deem appropriate, and (b) shall be submitted to the Congress not later than March 31 of each year; and
7. meet at the call of the Chairman, except that it shall meet (a) at least four times during each fiscal year, or (b) whenever one-third of the members request in writing that a meeting be held.

In addition, the Director of NIE must make available to the Council such information and assistance as may be necessary to enable the Council to carry out its functions.

During hearings on H.R. 5988 witnesses representing many special interests, including women, minorities, and teachers, addressed themselves to the need for a more representative Council. An amendment which encourages the achievement of this objective was adopted by the Committee.

With regard to the membership of the National Council on Education Research, the Committee's intent is that the National Council on Educational Research be representative of the education community at large. However, the Committee does not intend to mandate the assignment of Council seats to representatives of specific groups. Therefore, when vacated, seats must not necessarily be filled by a representative of the same group.

The Committee also included a provision that the Council may employ its own staff without the approval of the Director of the Institute, and without regard to the provisions of the Civil Service requirements relating to competitive service, pay rates, and classification. Prior to the amendment the Council had no authority to hire independent staff, separate from the Institute's staff. The Committee, while not mandating any independent staff for the Council, feels that the Council should not be totally dependent on the Institute for support staff.

The Committee wishes to re-emphasize that the National Council on Educational Research was established as the policy-making body of the Institute, and was not designed to be an advisory body. In Section 405(c)(3) of the enabling legislation it was made quite clear that the Council shall "establish general policies for, and review the conduct of, the Institute." Further, Section 405(d)(1) states "The Director . . . shall perform such duties and exercise such powers and authorities as the Council, subject to the general supervision of the Assistant Secretary, may prescribe."

With renewed emphasis on the Council as the Institute's policy-making body and the other provisions contained in H.R. 12835 that are designed to make the Council stronger, it is the hope of the Committee that the Council will perform its duties more actively and assertively.

Improvement of Coordination of Educational Research and Development with Other Federal Agencies: Consultation Requirements

The establishment of a formal network of communication among all the Federal agencies conducting educational research and development was excluded from the Institute's enabling legislation in 1973. It was hoped, at that time, that informal networks would be established to coordinate all Federal research efforts in education. While informal networks have developed, and should be encouraged to develop further, the Committee recognizes that in order to attain the goal of an integrated and comprehensive system of Federal educational research and development, formal links between the National Institute of Education and other Federal agencies conducting educational research and development must be established.

In order to encourage this coordination, H.R. 12835 adds a provision that would require the Director of the Institute to consult with the appropriate Federal agency when conducting research on a specific education program or target population. Likewise, the head of any Federal agency conducting educational research or funding educational research projects must consult with the Director of the National Institute of Education.

This new provision should not be interpreted as limiting the spectrum of educational research and development endeavors. The Committee intends that through a more coordinated system of educational research and development, new jointly funded projects that cut across a number of fields, may be undertaken as well as the improvement of the existing initiatives.

Federal Council on Educational Research and Development

At the present time there are several Federal agencies, such as the defense agencies, that have their own specific educational research and development programs. Through improved communication, information sharing and the interchange of similar interests, both items the Committee strongly endorses, better utilization of existing resources can take place.

The creation of the Federal Council on Educational Research and Development is the vehicle adopted by the Committee to improve the effectiveness of the total Federal effort in educational research and development. This Council will be composed of a representative from every major Federal agency that deals with educational research and development and will be chaired by the Director of the National Institute of Education. The main functions of the Federal Council on Educational Research and Development will be to:

1. Report annually to Congress and the President on the status of Educational Research in the Nation. This will include the cataloging of all Federally assisted educational research and development programs.

2. Promote coordination between programs of the Institute and related programs of other Federal agencies.

3. Make recommendations to the Congress and the President on how best to disseminate educational information and research. This activity includes an assessment of existing Federal models for disseminating education research and information.

The Federal Council on Educational Research and Development is to have an advisory role in coordinating the policies and operations of the NIE with other Federal agencies. The Federal Council is to remain in an advisory status and in no way is it to interfere with the policy determinations of the National Council and the NIE.

Dissemination of Educational Research and Development

In line with the original House Committee Report in 1971 that "the dissemination of the results of research and development in education will be one of the principal responsibilities of the Institute," the Committee undertook a review of the status of NIE activities in this area.

The Committee heard from Robert Egbert, on behalf of the American Association of Colleges for Teacher Education and Schools for the Education in State Universities and Land Grant Colleges who quoted the following line from the Campbell Commission report: ". . . inquiry even at its most successful (level) . . . will not be self-executing . . . a research finding that certain activities by the teacher can reliably produce certain results in a classroom will require a long chain of deliberate action to produce results . . ." (a consultant's report to the Director and the National Council on Educational Research on the Research and Development of the Institute—August 1975).

This recognized need to bring educational research that is "on the shelf" into the "classrooms" motivated the Committee to reinforce the existing legislative mandate for the dissemination of educational information and research, and to encourage the use of more dissemination models.

Education "Extension Agents"

The Committee has strengthened the dissemination activities of the National Institute of Education by adding new authority to encourage the creation of a dissemination system similar to the highly successful experience of the Agriculture Department.

The "educational field agent" system, modeled after the "agricultural extension system," provides a link from educational research to the classroom by the addition of agents that serve as "educator information specialists." Development of the extension agent system emphasizes the utilization of individuals already in the education process, making them more effective in the delivery of educational research results and information. This system has already been pilot tested in nine states by NIE.

By inserting this language, it is not the intention of the Committee to signify that the extension agent model is necessarily to be the primary dissemination effort of the Institute. Activities in this area should be combined and coordinated with a wide variety of other dissemination mechanisms, including, but not limited to, ERIC, labs and centers, universities and state and local education agencies.

In the implementation of an extension agent system, the Committee encourages NIE to consult widely with people in education as well as in other fields, such as agriculture and medicine.

The Committee also points out that the local hire preference language is to apply primarily to those people who have day-to-day contact with teachers and other education practitioners. For example, an extension agent serving the education community in Cleveland should have had experience in teaching in that area and should be fully conversant with state law and local policy concerning education. Where local residents do not apply or are not qualified, it is incumbent upon the administering agency to be certain that the person hired is qualified to meet the needs of the area where he or she will serve.

Research Fellows

H.R. 12835 also includes an amendment permitting the Director of the Institute to establish and maintain research fellowships in the Institute. The addition of this amendment will permit the Director to secure more highly qualified individuals in the research field for short tenures at the Institute. The procurement of the assistance of these highly qualified research fellows from the United States and abroad will improve the effectiveness, quality, and status of the Institute, and help to make it the national focal point for educational research and development.

Labs and Centers

Since 1954, when the Cooperative Research Act was enacted, the Federal government has expended funds for educational research. During the 1960's this legislation provided for the establishment of university based research and development centers and regional based laboratories. While both the research and development centers and laboratories were designed to conduct educational research and development, they maintained different emphases. The centers for educational research and development were usually based at universities, and were intended to focus on basic and applied research in education as well as dissemination of this research. The laboratories, usually regional in nature were also created to conduct educational research and development, with a focus on the development of curriculum materials and models to meet the educational needs of the region.

The Committee has become increasingly concerned over the status of the educational laboratories and centers. Over the past decade the Federal government has invested millions of dollars in labs and centers. Today, only about half the originally established number still exist. The reduction can be attributed to the elimination of marginally effective operations as well as to a hostile reception to the existence of labs and centers by a number of Federal officials in the Office of Management and Budget, the Office of Education and the NIE.

This Committee endorses the continued existence of those labs and centers producing quality research. They have served and can continue to serve a highly useful function. With planning and cooperation, the labs and centers can be a major force in the development and dissemination of educational research.

The Committee observes that one consequence of the reduction in the number of labs and centers has been that some regions in the country are no longer served by the remaining labs and centers. The Committee, therefore, encourages NIE to work out a system whereby all regions of the nation can be served with respect to their educational research and development needs.

While the Committee recognizes that many of the major accomplishments of the Institute to date can be directly attributed to the completion of educational research projects at labs and centers, the Committee also recognizes that these accomplishments were the results of five or more years of educational research and development. Educational research and development is a long-term process which requires long-term investment and a great deal of tolerance and patience on the part of the public. Whereas the labs and centers have had 10–12 years to prove themselves, many other facets of the Institute are new initiatives and must be given adequate time to develop fully.

COST ESTIMATE

In compliance with clause 7 of Rule XIII of the Rules of the House, the Committee estimates the following costs will be incurred in carrying out Title II of H.R. 12835 as amended.

[In millions of dollars]

	1976			1977 budget request	Title II of H.R. 12835 as amended		
	Budget request	Authorization	Appropriation		1977	1978	1979
National Institute of Education	80	(1)	70	90	100	120	140

---

[1] Contingent extension provided for under sec. 414 of the General Education Provisions Act. Contingent extension of programs provides authority to extend the authorization of programs under the General Education Provision Act for 1 additional year.

BUDGET STATEMENT

In accordance with Rule XI of the Rules of the House of Representatives the Congressional Budget Office has submitted the following report on Title II of H.R. 12835, formerly H.R. 5988:

CONGRESS OF THE UNITED STATES,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., January 30, 1976.

Hon. CARL D. PERKINS,
Chairman, Committee on Education and Labor, U.S. House of Representatives Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 5988, a bill to extend the authorization of appropriations for the National Institute of Education, to establish priorities on which the resources of the Institute will be concentrated, and for other purposes.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

ALICE M. RIVLIN,
Director.

Attachment.

JANUARY 30, 1976.

CONGRESSIONAL BUDGET OFFICE

COST ESTIMATE

1. Bill number: H.R. 5988.

2. Bill title: To extend the authorization of appropriations for the National Institute of Education, to establish priorities on which the resources of the Institute will be concentrated, and for other purposes.

3. Purpose of bill: This bill provides for: (1) the reorientation of the priorities of the National Institute of Education; (2) a change in the membership, staff and procedures of the National Council on Educational Research; (3) the establishment of a Federal Council on Educational Research and Development; and (4) an authorization of appropriations for the National Institute of Education in FY 1977, FY 1978 and FY 1979. The authorization to appropriate funds for the Institute expired on June 30, 1975, but was extended for one year under provisions of P.L. 93-380 (Section 506(a)(2)). This bill is an authorization and does not directly provide budget authority. Actual funding is subject to subsequent appropriations action.

4. Cost estimate:

Fiscal year authorization amounts:	*Dollars in thousands*
1977	100,000
1978	120,000
1979	140,000

5. Basis for estimate: This estimate is based on the authorization level stated in H.R. 5988.

6. Estimate comparison: Not applicable.

7. Previous CBO estimate: Not applicable.

8. Estimate prepared by: Roger C. Faxon (225-4972).

9. Estimate approved by:

JAMES L. BLUM,
Assistant Director for Budget Analysis.

OVERSIGHT STATEMENT

No summary of oversight findings and recommendations made by the Committee on Government Operations under clause 2(b)(2) of Rule X of the Rules of the House of Representatives was available to the Committee with reference to the subject matter specifically addressed by Title II of H.R. 12835, as amended.

In addition to the hearings accompanying the Committee's consideration of H.R. 5988, on February 4, 1976, the Subcommittee on Select Education conducted an oversight hearing on the National Institute of Education's involvement in serving the educational needs of women and minorities. This hearing was within the definition of Rule XI of the House. The Committee plans to continue to hold oversight hearings on the Institute over the next three years.

INFLATIONARY IMPACT STATEMENT

Pursuant to clause 2(1)(4), Rule XI of the Rules of the House of Representatives the committee estimates that enactment of title II of H.R. 12835 as amended will have little inflationary impact on prices and cost in the operation of the nation's economy. It is the judgment of the committee that the inflationary impact of this legislation as a component of the total federal budget is negligible.

The Committee notes that the authorization level in title II for the next three years is $360 million as compared with the original three year authorization level of $550 million for FY 73–FY 75. The committee believes these new authorization figures are more in line with present expectations for funding.

DEPARTMENTAL VIEWS

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
March 24, 1976.

Hon. CARL D. PERKINS,
Chairman, Committee on Education and Labor, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: On March 17, 1975, this Department submitted to Congress a draft bill "To extend the authorization of appropriations for the National Institute of Education, to establish priorities on which the resources of the Institute will be concentrated, and for other purposes." This bill, which has been introduced as H.R. 5988, is now pending before your Committee.

At the time we submitted our draft bill to Congress, our long-range budget plans called for an annual appropriation for the Institute of $80 million for each of the years for which authority for the Institute would be provided. More recent review of the needs and goals of NIE has caused us to increase this estimate to $90 million for fiscal year 1977 and $105 million for fiscal year 1978. The increase for fiscal year 1977 would make the bill consistent with the President's budget which was recently submitted to Congress.

As you know, the President's proposed Financial Assistance for Elementary and Secondary Education Act would consolidate a number of existing authorities, including certain programs under which research activities were conducted in vocational education and the education of the handicapped. While our block grant proposal would authorize the Commissioner of Education to continue to make discretionary grants and contracts for innovation and development in those areas, we expect that, assuming favorable Congressional action on that proposal, beginning in fiscal year 1978, the Institute would further develop and expand its research activities in the areas of vocational education and the education of the handicapped.

Accordingly, we are enclosing a proposed amendment to H.R. 5988 which would increase the annual authorization of appropriations to the levels discussed above. We urge your Committee to give prompt and favorable consideration to this proposed amendment as well as to the bill itself.

We are advised by the Office of Management and Budget that enactment of the enclosed proposal would be in accord with the program of the President.

Sincerely,

(Signed) Majorie Lynch,
Under Secretary.

Enclosure.

Amendment to H.R. 5988 To Increase the Authorization of Appropriations for the National Institute of Education

On page 2 of H.R. 5988 strike out line 17 and insert in lieu thereof the following: 1976, $20,000,000 for the period beginning July 1, 1976, and ending September 30, 1976, $90,000,000 for the fiscal year ending September 30, 1977, and $105,000,000 for the fiscal year ending September 30, 1978.".

Section-by-Section Analysis of Title II

FUNCTIONS OF NATIONAL INSTITUTE OF EDUCATION

Section 1 of the bill amends section 405(b) of the General Education Provisions Act (hereinafter in this explanation referred to as the "Act") by rewriting paragraph (2). Paragraph (2) provides that the National Institute of Education (hereinafter in this explanation referred to as the "Institute") shall seek to improve education in the United States through concentrating the resources of the Institute on the following research and development needs: (1) improvement in student achievement in basic educational skills; (2) overcoming financial and management problems in educational institutions; (3) improving the provision of educational opportunities for students of limited English-speaking ability, women, and students who are socially, economically, or educationally disadvantaged; (4) career preparation; and (5) improved dissemination of the results of educational research and development.

MEMBERS AND STAFF OF NATIONAL COUNCIL ON EDUCATIONAL RESEARCH

Section 2(a) of the bill amends section 405(c)(1) of the Act to provide that a majority of the members of the National Council on Educational Research shall constitute a quorum.

Subsection (a) also amends section 405(c)(1) of the Act to provide that the members of such Council shall be appointed so that such Council represents the general public, the education professions, and various fields of education.

Section 2(b) amends section 405(c)(2) of the Act to provide that the term of office of each member of the National Council on Educational Research shall expire on September 30 of the year in which the term otherwise would expire unless a successor to the member involved has not been appointed and confirmed by the Senate by such date, in which case the member involved may continue to serve until a successor has been appointed and confirmed.

Section 2(c) amends section 405(c)(3) of the Act to provide that the National Council on Educational Research may employ, without the approval of the Director of the Institute, and without regard to the provisions of title 5, United States Code, relating to employment, not to exceed 7 technical and professional employees, as such Council deems necessary to carry out its functions.

PROJECTS AND ACTIVITIES: RESEARCH FELLOWSHIPS

Section 3 of the bill amends section 405(e) of the Act by adding a new paragraph (2) and a new paragraph (3).

Paragraph (2) of section 405(e) of the Act provides that funds appropriated under section 405(b) of the Act may be used for the dissemination of: (1) information relating to the results of educational research and development programs; and (2) other educational information. Projects to carry out such dissemination may include coperative arrangements utilizing the services of individuals who may be designated as "Education Extension Agents." Employment opportunities in connection with such projects shall be made available to residents of the area to be served, to the extent such residents are qualified for such employment.

Paragraph (3) of section 405(e) of the Act permits the Director of the Institute to establish and maintain research fellowships in the Institute.

AUTHORIZATION OF APPROPRIATIONS

Section 4 of the bill amends section 405(h) of the Act to authorize the appropriation of the following amounts to carry out the functions of the Institute: (1) $100,000,000 for fiscal year 1977; (2) $120,000,000 for fiscal year 1978; and (3) $140,000,000 for fiscal year 1979.

CONSULTATION REQUIREMENTS

Section 5 of the bill amends section 405 of the Act by adding a new subsection (i). Subsection (i)(1) provides that the Director of the Institute shall, in conducting educational research dealing with specific education programs, consult with the appropriate Federal administrators of such programs.

Subsection (i)(2) requires the head of any Federal agency which conducts educational research or provides financial assistance for such research to consult with the Director of the Institute with respect to such research.

FEDERAL COUNCIL ON EDUCATIONAL RESEARCH AND DEVELOPMENT

Section 6 of the bill amends section 405 of the Act by adding a new subsection (j). Subsection (j)(1) establishes within the Institute a Federal Council on Educational Research and Development (hereinafter in this explanation referred to as the "Federal Council").

Subsection (j)(2) provides that the Federal Council shall be composed of the following members: (1) the Director of the ACTION Agency; (2) the Commissioner of the Administration on Aging; (3) a representative designated by the Secretary of Defense; (4) a representative designated by the Secretary of Labor: (5) the Chairman of the Federal Communications Commission: (6) the Director of the Health Resources Administration: (1) the Chairman of the National Council for the Arts: (8) the Chairman of the National Endowment for the Humanities: (9) the Director of the National Institute of Alcohol and Alcohol Abuse; (10) the Director of the National Institute of Drug Abuse; (11) the Director of the National Institute of Education: (12) the Director of the National Institute of Health; (13) the Director of the National Institute of Mental Health; (14) the Director of the National Science Foundation; (15) the Director of the

Office of Consumer Affairs of the Department of Health, Education, and Welfare; (16) the Director of the Office of Child Development of the Department of Health, Education, and Welfare; and (17) the Commissioner of Education.

Subsection (j)(3) requires the President to designate the Director of the Institute to be the Chairman of the Federal Council.

Subsection (j)(4) permits the President to alter the membership of the Federal Council to meet changes in Federal programs or in the organization of the executive branch of the Federal Government.

Subsection (j)(5) requires the Federal Council to: (1) advise, and consult with, the Director of the Institute regarding problems arising in connection with carrying out the purpose of the Institute; (2) coordinate the policies and operations of the Institute; (3) promote coordination between programs of the Institute and related programs of other Federal agencies; (4) make an annual report to the Congress and to the President which reviews the status of educational research and development in the United States and which includes a catalog of federally assisted educational research and development programs, a report of the findings of such research and development, and recommendations for the improvement of Federal research and development efforts; and (5) make recommendations to the Congress and to the President regarding means for the dissemination throughout the United States of information relating to educational research and development, and assess methods used by Federal agencies for the dissemination of such information.

TITLE III—MISCELLANEOUS PROVISIONS

Summary

Technical Amendments

The first section in this title contains technical amendments to the Education Amendments of 1974, Public Law 93-380. These amendments correct printing errors, clerical mistakes and drafting errors. They also update the times that various reports are required to be submitted.

One of these technical amendments involves section 151 of Title I of the Elementary and Secondary Education Act. That section authorizes the Commissioner of Education to reserve up to ½ of 1% of the Title I appropriation for the purpose of conducting evaluations and assisting States and local school districts in conducting evaluations of Title I programs. This section is amended to make explicit the Congress's original intention that the Commissioner is to use these funds each year primarily to assist States and local school districts in performing these evaluations. Only as a secondary purpose can he or she use these funds for conducting any national evaluations of Title I programs. These funds were, and are, intended primarily to assist those who have direct operating responsibility for the program to learn how to better evaluate their programs. National evaluations have their place, but that place is clearly secondary to improving the daily operation of programs.

Miscellaneous Amendments

The second section of this title contains various miscellaneous amendments to Federal education laws. The first amendment (section 302(a)) permits members of Presidential advisory councils to continue to serve on these councils until their successors are named. Experience has shown that administrative delays in naming members of advisory councils have often thwarted the effective operation of these councils. This amendment will correct that deficiency.

The second of the miscellaneous amendments (section 302(b)) amends the consolidation of programs, Title IV of the Elementary and Secondary Education Act, to permit States to retain up to 2% of their State grants under Part B (libraries and learning resources) for guidance, counseling, and testing activities at the State level. The Committee urges the States to be most prudent in reserving these funds for those purposes and to reserve only amounts necessary to maintain services. The amendment was included because the present law was found to be too restrictive on the States in continuing formerly Federal funded guidance, counseling, and testing programs.

The third amendment (section 302(c)) reduces from 15% of a State's grant to 10% of a State's grant the minimum amount which must be spent on funding teacher training and demonstration programs under the Adult Education Act. Oversight hearings conducted by the Committee showed this provision to be too restrictive on State operation of adult education programs, especially now in a time of high unemployment and declining State and local tax revenues.

The fourth amendment (section 302(d)) applies the "hold harmless" provision for State agency programs under Title I of the Elementary and Secondary Education Act to the State agency programs in Puerto Rico. This amendment is included since the present law was found to cause a drastic cut back in funds for those programs in Puerto Rico.

The fifth miscellaneous amendment (section 302(e)) restores to full payment of entitlements the amounts school districts are to receive for Federal lands within their boundaries under section 2 of P.L. 81–874, the impact aid program. Full payments had been provided for this purpose up until last July 1st. This amendment restores these payments.

The sixth amendment authorizes a separate appropriation for the purpose of giving all States the same level of appropriation they had received during fiscal 1974 for all of the separate categorical programs which have been consolidated in Title IV of the Elementary and Secondary Education Act. This authorization will not take funds away from any other State. It is an entirely separate new authorization.

Paperwork

The next amendment contained in Title III regards the paperwork involved in administering Federal education programs (section 303). This section requires the National Center for Education Statistics to coordinate all data collection and the formation and issuance of applications and all other reports for all programs within the Education

Division and for all information and data requested of educational agencies and institutions by the Office for Civil Rights.

The purpose of this provision is to have a focal point within the Department which can serve as a means for eliminating excessive detail and redundant information requests. Presently, the Department has no such focal point. It is also the purpose of this provision to give State and local officials an opportunity to comment on the need for this information and to receive summaries of the information once compiled.

The National Center will not necessarily have to actually send out the applications and data requests. Each administering bureau and agency can perform that function if the Department decides that that practice would be better. But the National Center is to have a role in deciding what information is to be requested and how it is to be requested. These amendments are also not meant to impede the National Institute of Education, or any other agency, in carrying out its legislatively required duty to disseminate information. They are meant, though, to lead to a greater coordination of all these efforts.

The General Accounting Office released a report in March, 1975 regarding data report requirements for State and local education agencies. This report found that State and local officials perceived serious paperwork problems involved in securing Federal funds for education. They felt that excessive and redundant information requests were being made of them. Part of the problem was identified by GAO as that these agencies did not understand the need for certain information and very rarely saw the results of the information they supplied.

These amendments are also meant to help Congress to eliminate any excessive paperwork or redundant information requests we are causing through our legislation. These amendments require the National Center, upon request of the Senate and House education committees, to supply us with objective descriptions of the best manner in which we can formulate our legislation so as to avoid redundant information requests, duplicate requests, and excessive detail.

Maintenance of Effort

The Committee bill also contains amendments regarding the provisions contained in present law requiring that States, local school districts, and other public agencies continue to spend at least the same amount of State and local funds for education as they had spent in a particular previous year if they wish to receive Federal education aid. The first amendments in this area place the present "maintenance of effort" requirements on a per student basis instead of on an aggregate dollar basis. These amendments are meant to help States and other agencies in better handling the problems created by declining school enrollments. The Acts amended are Title I, Title III, and Title IV of the Elementary and Secondary Education Act and the Emergency School Aid Act.

The Committee bill contains another amendment regarding maintenance of effort. This amendment authorizes the Commissioner to waive for one fiscal year maintenance of effort provisions in any Federal program administered by the Education Division of the Department of Health, Education, and Welfare if he or she determines upon the application of a local school district that very exceptional circumstances exist that year rendering unobtainable compliance with any such provision and that every possible effort has been made by such agency to comply with such provision. The Committee wishes to stress that very exceptional circumstances must exist and that the school district must make every possible effort to comply before the Commissioner can grant this waiver. And, this waiver is for one fiscal year only. These provisions are meant to make clear that this waiver is to be exercised in a very limited number of situations and with extreme care by the Commissioner on a case by case basis.

Repeals and Extensions

The Occupational Education Act, Part B of Title X of the Higher Education Act, is repealed since the program under the Vocational Education Act is broadened by the amendments in Title I of this bill to include participation by State higher education agencies in the planning and reporting of the regular vocational education programs and since these amendments will lead to greater funds being provided for post-secondary and adult vocational education programs.

Title III of the National Defense Education Act is extended by this bill through fiscal year 1978 in order to make it co-terminous with the other Federal elementary and secondary education programs.

Effective Dates

The provisions of Title I takes effect on October 1, 1977, except for the one year extension of the programs, the provision requiring assignment of personnel to the Bureau of Occupational and Adult Education, the provision requiring the studies, and the provision requiring improved data collection. The provision authorizing planning grants for fiscal year 1977 is effective only for that fiscal year.

Title II is effective upon enactment. In Title III all provisions are effective upon the enactment date of these amendments, except for the provisions applying the "hold harmless" provision to the Title I State agency programs in Puerto Rico and the provision restoring to full payments the section 2 impact aid entitlements.

OVERSIGHT

No findings or recommendations concerning oversight of these programs have been received by the Committee from the Committee on Government Operations. The Committee conducted four days of oversight hearings on these programs and especially on the effects of the Education Amendments of 1974, P.L. 93-380. The amendments contained in Title III of this bill are a result of those oversight hearings.

COST ESTIMATES

In compliance with clause 7 of rule XIII, the Committee estimates that only one of these amendments will cause any increased Federal expenditures for these programs. That amendment, contained in section 302(f), provides a new separate authorization of appropriations to "hold harmless" any State under the consolidation of programs in Title IV of the Elementary and Secondary Education Act. The Committee estimates that the maximum authorization for this purpose will be $10,000,000 for fiscal 1978 and the authorizations for following years will probably be less than this since the appropriations for Title IV will probably increase and, therefore, make less needed this hold harmless provision.

No cost estimates have been received from Congressional Budget Office or the Department of Health, Education, and Welfare regarding this provision.

INFLATIONARY IMPACT

The Committee estimates that the inflationary impact of the amendment contained in section 302(f) will be negligible since the total maximum expenditure will only be $10,000,000 a year. In terms of the estimated dollar budget for the Federal government this new authorization for fiscal 1978 would amount to only .0020% of the budget. In terms of the Gross National Product the new authorization would only amount to .00048% of the Gross National Product.

SECTION-BY-SECTION ANALYSIS OF TITLE III

TECHNICAL AMENDMENTS

SEC. 301. (a)(1) (of the first section). Redesignates sections 122 and 123 of part B of title I, ESEA. (New sections 122 and 123 were added by section 101(a)(2)(E).)

(2). Adds section reference which was omitted, and deletes unnecessary language;

(3). Inserts subsection heading which was omitted;

(4). Corrects an inaccurate reference to the Act of July 26, 1954 (the Cooperative Research Act);

(5). Corrects a printing error in which one line was printed twice;

(6). Extends from November 1, 1975, to May 1, 1976, the date for submission by the Commissioner of the survey and assessment of the current status of career education programs;

(7). Provides a similar extension for the identical report required to be submitted by the National Advisory Committee for Career Education;

(8)(A). Corrects an erroneous cross reference;

(8)(B). Eliminates paragraph 3 which requires the Commissioner to approve all applications which meet appropriate criteria. Such a requirement is inappropriate in a discretionary grant program;

(8)(C). Limits the chairmanship of the Advisory Council on Women's Education Programs to those members who are selected from the general public;

(8)(D). Extends for eight months the date for submission by the Commissioner of his report on the review of sex discrimination in education;

(8)(E). Corrects an erroneous subsection designation;

(9). Amends the effective date of the prevision requiring a simplified State application to July 1, 1975, rather than July 1, 1974. Submission of such an application for the fiscal year beginning July 1, 1974, would have been impossible;

(10). Corrects an erroneous cross reference to section 443 of GEPA;

(11). Corrects an erroneous reference to the Bureau of the Handicapped;

(12). Corrects an erroneous reference to the Emergency School Aid Act;

(13). Requires the submission to Congress of two interim reports on the Title I study by the National Institute of Education;

(14). Delays the required dates for completion of the updating of the current population survey and submission of the report on the study of updating the count of title I children until December 31, 1976.

(15). Delays the required date for submission of a report on the study of the measure of poverty for title I until the end of calendar year 1975 rather than one year after the date of enactment of Public Law 93-380;

(16). Delays the required date for submission of the report on the study of late funding of ESEA programs until January 31, 1976;

(17). Eliminates the requirement for the request to be made within thirty days of enactment for each State educational agency to establish and maintain appropriate records for the Safe School Study, and gives States until June 1, 1976, to compile the data for that study;

(18). Authorizes the study of athletic injuries to be based on a sampling of schools rather than a complete survey of all schools;

(19). Eliminates the requirement for the request to be made by the Secretary within fifty days of enactment to each school to compile information for the study of athletic injuries and establishes the period of that study as fiscal year 1976 rather than the twelve-month period beginning sixty days after enactment;

(20). Inserts a reference to the Higher Education Act which was erroneously omitted; and

(21). Corrects two erroneous cross references and corrects the spelling of the word "continued".

(b)(1)(of the first section). Conforming amendment;

(2). Corrects an erroneous cross reference;

(3). Would require the title I Parent Advisory Council to be composed of parents of children eligible to be served rather than only those children who are participating in title I projects; and

(4). Conforms the date for submissions of the title I Evaluation Report to the date for submission of the Commissioner's Annual Evaluation Report.

(c) (of the first section). Extends through 1978 the authority for the Commissioner to bypass the State educational agency under title II of ESEA in those cases where no State agency is authorized to provide title II materials for the use of children in private schools.

(d)(1). Delays until November 1, 1976, and February 1, 1978, the dates for submission of the report on the condition of bilingual education;

(2). Conforms the date for submission of the annual report of the National Advisory Council on Bilingual Education to the new fiscal year; and

(3) Clarifies the fact that the "Director" referred to in section 742 is the Director of NIE rather than the Director of the Office of Bilingual Education.

(e)(1) (of the first section). Authorizes States to use administrative funds under existing programs for the start-up costs of the State advisory council required to be established under section 403(a). Under section 403(b) the council must be in existence before the State may receive grants under the new title IV; and

(2). Eliminates references to private education organizations in part C of title IV of ESEA—educational innovation and support. Title IV projects are required to be administered by public agencies.

(f) (of the first section). Applies the provisions of GEPA requiring a general application to those jurisdictions with one educational agency.

(2). Gives States 90 rather than 60 days after the end of any fiscal year to submit a report on the uses of Federal funds in that State; and

(3). Conforms the date for submission by the Commissioner of the analysis and compilation of these reports to the new fiscal year.

(g) (of the first section). Corrects the misspelling of the word "approved".

(h) (of the first section). Authorizes funds under the referenced sections to be made available by grant or contract rather than by grant and contract.

(i) (of the first section). Inserts "Assistant" before "Secretary" because the Emergency School Aid Act is administered by the Assistant Secretary rather than the Secretary.

(j)(1) (of the first section). Changes "Secretary" to "Commissioner" to conform this section to the rest of the Vocational Education Act; and

(2). Replaces the word "to" with "by".

(k) (of the first section). Revises the amendment to section 301 of NDEA to conform with an amendment to that section made by P.L. 92-318.

(l) (of the first section). Adds title IV of ESEA to the list of titles to which the definitions in title VIII of ESEA apply. This amendment is necessary to make the Trust Territory of the Pacific Islands a State for purposes of title IV.

(m) (of the first section). This subsection includes Puerto Rico as a State for purposes of Title III of the National Defense Education Act.

(n) (of the first section). This subsection of the first section would amend the definition of "excess costs" for the purposes of title I of the Elementary and Secondary Education Act of 1965 to make it clear that the exclusion from comparability determinations of State and local expenditures for special programs to assist educationally deprived children, handicapped children, and children of limited

English-speaking ability is to be at the option of the local educational agency.

(o) (of the first section). This subsection would amend section 125 of the Elementary and Secondary Education Act, which provides an annual "hold harmless" for the State agency programs under title I, to clarify that the entity which is held harmless from one year to the next is the entire State program and not the individual State agencies which receive funds under one of the programs involved.

(p) (of the first section). Section 151 of the Elementary and Secondary Education Act authorizes the Commissioner to conduct evaluations of title I programs and to provide technical assistance to the States. This amendment makes clear that the primary function of the Commissioner is to assist States and local school districts in conducting evaluations and to provide technical assistance in this task. A secondary objective would be to conduct national evaluations.

(q) (of the first section). Section 406(g) authorizes funds for the salaries and expenses and for grants and contracts for the National Center for Education Statistics through fiscal year 1977. This amendment extends that authorization through 1978.

(r) (of the first section). Title IV of the Elementary and Secondary Education Act presently requires State and local school districts to continue to spend the same amount of State and local funds for the types of activities authorized in the consolidated programs as they were spending in the preceding fiscal year if they desire to receive Federal aid. This amendment extends that requirement to private schools within the State.

(s) (of the first section). Title IV of the Elementary and Secondary Education Act presently requires local educational agencies to involve the participation of children in private non-profit schools in the consolidated programs. If a local school district substantially fails to provide for this participation, then that school district cannot receive Federal aid and the Commissioner must provide services for children in private non-profit schools. This amendment allows the Commissioner to waive that requirement for local educational agencies and to allow them to continue to receive Federal aid while the Commissioner is providing assistance for children in the private non-profit schools.

MISCELLANEOUS AMENDMENTS

Section 302(a). This subsection would amend section 443(b) of the General Education Provisions Act. That section presently provides that if the President fails to appoint a member to fill a vacancy on a Presidential advisory council within sixty days after it occurs (or after the effective date of the statute creating such a council), then the Secretary shall immediately appoint a member to fill such vacancy. Instead, members whose terms have expired would continue to serve until their successors are named.

(b) (of the second section). This subsection would amend title IV of the Elementary and Secondary Education Act of 1965 to authorize State educational agencies to retain up to 2% of any funds appropriated for part B of that title (Libraries and Learning Resources) for State-level programs, projects, and leadership activities designed to expand and strengthen counseling and guidance services in elementary and secondary schools. Except for a five percent setaside for State administrative funds, State educational agencies are presently required to pass through all title IV funds to local educational agencies in the State. This amendment is therefore necessary to enable States to conduct State-wide leadership activities in counseling and guidance which are currently carried out by a number of States under title III, ESEA.

2(c) (of the second section). Section 309 of the Adult Education Act presently provides that each State must use at least 15% of its State grant for special programs and teacher training. This amendment would lower this amount to 10% of a State's grant.

(d) (of the second section). This subsection would amend the "hold harmless" provision for State agency programs under Title I of the Elementary and Secondary Education Act to include those programs in Puerto Rico.

(e) (of the second section). This subsection would amend P. L. 81–874 to restore to full payments the amounts paid under entitlements due to the presence of Federal land within school districts (section 2 of the Act.) Those payments had been reduced to 60% of entitlements by P. L. 93–380.

(f) (of the second section). This subsection would amend the consolidation of programs, Title IV of the Elementary and Secondary Education Act, to provide a separate authorization of appropriations in order to increase allotments under that title to any State to a level of funding which that State had been receiving under the separate categorical programs consolidated in Title IV in fiscal year 1974.

PAPERWORK

Section 303. The National Center for Education Statistics is charged with coordinating data collection and the formulation and issuance of applications and all other reports for all programs in the Education Division of the Department of Health, Education, and Welfare and of the Office for Civil Rights in order to eliminate excessive detail and redundant information requests. The Center must require each agency to submit a detailed justification, estimate of man-hours, and sources of funds for each request for information. The National Center must, in so far as practicable, provide States and other public agencies with summaries of the data collected from such agencies and to develop a common set of definitions of terms for all applicable programs. The Center must, upon request, provide the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Public Welfare of the Senate with objective descriptions of the best means in which to formulate legislation in order to avoid redundant information requests and excessive detail.

MAINTENANCE OF EFFORT

Section 304. Titles I, III, and IV of the Elementary and Secondary Education Act are amended to require maintenance of effort per student, instead of maintenance of effort in aggregate dollar amounts. The Emergency School Aid Act is likewise amended.

The General Education Provisions Act is amended to permit the Commissioner to waive for one fiscal year provisions requiring maintenance of effort by local school districts if he or she determines, upon the application of such agency, that very exceptional circumstances exist that year which render unobtainable the compliance with such provisions and that every possible effort has been made by such agency to comply with such provisions.

REPEALS AND EXTENSIONS

Section 305. The Occupational Education Act (Title X, Part B, of the Higher Education Act of 1965) is repealed, and Title III of the National Defense Education Act is extended from fiscal 1977 through fiscal 1978.

EFFECTIVE DATES

Section 306. All amendments in Title I are effective September 30, 1977, except for the extensions of present programs, the provision requiring staff assignments to the Bureau of Occupational and Adult Education, the provision requiring studies by the Commissioner and the National Institute of Education and the sections concerning data collection, which are all effective upon the date of enactment. The section requiring that a three-year State plan be written during fiscal year 1977 is effective from the date of enactment until September 30, 1977.

Title II is effective upon enactment. All provisions of Title III are effective on enactment, except for the impact aid amendment and the amendment requiring State agency programs in Puerto Rico which are effective as of July 1, 1975.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED BY THE COMMITTEE ON EDUCATION AND LABOR

Changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

(Effective on the date of the enactment of H.R. 12835)

VOCATIONAL EDUCATION ACT OF 1963

TITLE I—VOCATIONAL EDUCATION

PART A—GENERAL PROVISIONS

* * * * * * *

DECLARATION OF PURPOSE

SEC. 101. It is the purpose of this title to authorize Federal grants to States to assist them to maintain, extend, and improve existing programs of vocational education, to develop new programs of vocational education, and to provide part-time employment for youths who need the earnings from such employment to continue their vocational training on a full-time basis, so that persons of all ages, *regardless of sex, race, religion, or national origin* in all communities of the State—those in high school, those who have completed or discontinued their formal education and are preparing to enter the labor market, those who have already entered the labor market but need to upgrade their skills or learn new ones, those with special educational handicaps, and those in postsecondary schools—will have ready access to vocational training or retraining which is of high quality, which is realistic in the light of action or anticipated opportunities for gainful employment, and which is suited to their needs, interests, and ability to benefit from such training.

AUTHORIZATION OF APPROPRIATIONS

SEC. 102. (a) [There are authorized to be appropriated $355,000,000 for the fiscal year ending June 30, 1969, $565,000,000 for the fiscal year ending June 30, 1970, $675,000,000 for the fiscal year ending June 30, 1971, $675,000,000 for the fiscal year ending June 30, 1972, and $565,000,000 for the fiscal year ending June 30, 1973, and each succeeding fiscal year for the purposes of parts B and C of this title] *There are authorized to be appropriated $500,000,000 for each fiscal year for the purposes of carrying out parts B and C of this title.* From the amount appropriated pursuant to the preceding sentence and alotted to each State under section 103, 90 per centum shall be available for the purposes of part B and 10 per centum shall be available for the purposes of part C.

(b) [There are also authorized to be appropriated $40,000,000 each for the fiscal years and ending June 30, 1969, and June 30, 1970, $50,000,000 for the fiscal year ending June 30, 1971, and $60,000.000 for the fiscal year ending June 30, 1972, and for the succeeding fiscal years ending prior to July 1, 1975, for the purposes of section 122(a)(4)(A).] *There are also authorized to be appropriated $30,000,000 for each fiscal year ending prior to October 1, 1977 for the purpose of section 122(a)(4)(A).* Nothing in this subsection shall be construed to affect the availability for such purposes, of appropriations made pursuant to subsection (a) of this section.

(c) There are authorized to be appropriated $17,500,000 for the fiscal year ending June 30, 1975, *$20,000,000 for the fiscal year ending June 30, 1976, and $40,000,000 for the fiscal year ending September 30, 1977,* for the purposes of carrying out section 122(a)(4)(C). Nothing in this subsection shall be construed to affect the availability for such purpose of appropriations made pursuant to subsection (a).

(d) There are further authorized to be appropriated for each fiscal year such sums as may be necessary to pay the cost of the administration and development of State plans, the activities of advisory councils created under this title, and the evaluation and dissemination activities required pursuant to this title.

(Effective October 1, 1977, section 102 is repealed.)

ALLOTMENTS AMONG STATES

Sec. 103. (a)(1) * * *

* * * * * * *

(d)(1) The allotment ratio for any State shall be 1.00 less the product of—

(A) 0.50, and

(B) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), except that (i) the allotment ratio in no case shall be more than 0.60 or less than 0.40, and (ii) the allotment ratio for Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall be 0.60.

(2) [The allotment ratios shall be promulgated by the Commissioner for each fiscal year between July 1 and September 30 of the preceding fiscal year.] *The allotment ratios shall be promulgated by the Commissioner for each fiscal year between October 1 and December 31 of the preceding fiscal year.* Allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the three most recent consecutive fiscal years for which satisfactory data are available.

* * * * * * *

NATIONAL AND STATE ADVISORY COUNCILS

Sec. 104. (a)(1) * * *

* * * * * * *

(4) The Council is authorized, without regard to the civil service laws, to engage such technical assistance as may be required to carry out its functions, and to this end there are hereby authorized to be appropriated for the fiscal year ending June 30, 1969, $100,000, and for the fiscal year ending June 30, 1970, and each of the **[**five**]** *seven* succeeding fiscal years, $150,000.

(5) The National Council shall review the possible duplication of vocational education programs at the postsecondary and adult levels within geographic areas, and shall make annual reports of the extent to which such duplication exists, together with its findings and recommendations, to the Secretary. In making these reports, the Council shall seek the opinions of persons familar with postsecondary and adult vocational education in each State from schools, junior colleges, technical institutes, and other institutions of higher education, as well as from State boards of education, State junior college boards, and State boards of higher education, and persons familiar with area schools, labor, business and industry, accrediting commissions, proprietary institutions, and manpower programs. Subject to section 448(b) of the General Education Provisions Act, the National Council shall continue to exist until **[**July 1, 1976**]** *October 1, 1977.*

Part D—Exemplary Programs and Projects

* * * * * * *

AUTHORIZATION OF GRANTS AND CONTRACTS

Sec. 142. (a) There are hereby authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1969, $57,500,000 for the fiscal year ending June 30, 1970, **[**and**]** $75,000,000 for each of the **[**five**]** *six* succeeding fiscal years, *and $20,000,000 for the fiscal year ending September 30, 1977* to enable the Commission to carrry out the provisions of this part.

* * * * * * *

Part E—Residential Vocational Education

DEMONSTRATION SCHOOLS

Sec. 151. (a) For the purpose of demonstrating the feasibility and desirability of residential vocational education schools for certain youths of high school age, the Commissioner is authorized to make grants, out of sums appropriated pursuant to subsection (b) to State boards, to colleges and universities, and with the approval of the appropriate State board, to public educational agencies, organizations or institutions for the construction, equipment, and operation of residential schools to provide vocational education (including room, board, and other necessities) for youths, at least fifteen years of age and less than twenty-one years of age at the time of enrollment, who need full-time study on a residential basis in order to benefit fully from such education. In making such grants, the Commissioner shall give special consideration to the needs of large urban areas having substantial numbers of youths who have dropped out of school or are unemployed and shall seek to attain, as nearly as practicable in the light of the purposes of this section, an equitable geographical distribution of such schools.

(b) There are authorized to be appropriated for the purpose of this section $25,000,000 for the fiscal year ending June 30, 1969, $30,000,000 for the fiscal year ending June 30, 1970 and $35,000,000 each for the fiscal year ending June 30, 1971, and for each of the succeeding fiscal years ending prior to [July 1, 1975] *October 1, 1976.*

STATE PROGRAMS

SEC. 152. (a)(1) There are hereby authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1969, and for each of the succeeding fiscal years ending prior to [July 1, 1975.] *October 1, 1976* for grants to the States to provide residential vocational education facilities in accordance with the provisions of this section.

* * * * * * *

GRANTS TO REDUCE BORROWING COSTS FOR SCHOOLS AND DORMITORIES

SEC. 153. (a) * * *

* * * * * * *

(d)(1) There are hereby authorized to be appropriated such sums as may be necessary for the payment of annual grants in accordance with this section.

(2) Contracts for annual grants under this section shall not be entered into for an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual grants which may be paid in any year pursuant to contracts entered into under this section shall not exceed $5,000,000 [, which amount shall be increased by $5,000,000 on July 1, 1970, and on July 1 of each of the four succeeding fiscal years.] *for fiscal year 1976.*

* * * * * * *

PART F—CONSUMER AND HOMEMAKING EDUCATION

AUTHORIZATION

SEC. 161. (a)(1) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1970, $25,000,000, for the fiscal year ending June 30, 1971, $35,000,000 [and] for each of the succeeding fiscal years ending prior to [July 1, 1975] *October 1, 1976*, $50,000,000, *and for the fiscal year ending September 30, 1977, $45,000,000*, for the purposes of this part. From the sums appropriated pursuant to this paragraph for each fiscal year, the Commissioner shall allot to each State an amount which shall be computed in the same manner as allotments to States under section 103 except that, for the purposes of this section, there shall be no reservation of 10 per centum of such sums for research and training programs and 100 per centum of the amount appropriated pursuant to this section shall be alloted among the States.

(2) The amount of any State's allotment under paragraph (1) for

any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the part of the State's plan approved under subsection (b) shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, and on the basis of such factors as he determines to be equitable and reasonable, to other States which, as determined by the Commissioner, are able to use without delay any amounts so reallotted for the purposes set forth in subsection (b). Any amounts reallotted to a State under this paragraph during such year shall be deemed part of its allotment for such year.

(b) For purposes of this part the State plan approved under section 123 shall set forth a program under which Federal funds paid to a State from its allotment under subsection (a) will be expended solely for (1) educational programs which (A) encourage home economics to give greater consideration to social and cultural conditions and needs, especially in economically depressed areas, (B) encourage preparation for professional leadership, (C) are designed to prepare youths and adults for the role of homemaker, or to contribute to the employability of such youths and adults in the dual role of homemaker and wage earner, (D) include consumer education programs including promotion of nutritional knowledge and food use and the understanding of the economic aspects of food use and purchase, and (E) are designed for persons who have entered, or are preparing to enter, the work of the home, and (2) ancillary services, activities and other means of assuring quality in all homemaking education programs, such as teacher training and supervision, curriculum development research, program evaluation, special demonstration and experimental programs, development of instructional materials, provision of equipment, and State administration and leadership.

(c) From a State's allotment under this section for the fiscal year ending June 30, 1970, and for each fiscal year thereafter, the Commissioner shall pay to such State an amount equal to 50 per centum of the amount expended for the purposes set forth in subsection (b), except that, for the fiscal year ending June 30, 1970, and the **[**five**]** *seven* succeeding fiscal years, the Commissioner shall pay an amount equal to 90 per centum of the amount used in areas described in subsection (d). No State shall receive payments under this section for any fiscal year in excess of its allotment under subsection (a) for such fiscal year.

(d) (1) At least one-third of the Federal funds made available under this section shall be used in economically depressed areas or areas with high rates of unemployment for programs designed to assist consumers and to help improve home environments and the quality of family life.

(2) From funds made available under this section, special consideration shall be given to special consumer and homemaking programs for persons aged sixty or older who are in need of services provided by such programs, as determined by the Commissioner. Such programs shall be designed to assist such persons to live independently in their own homes and to alleviate the adverse effects of loneliness and isolation.

* * * * * * *

PART G—COOPERATIVE VOCATIONAL EDUCATION PROGRAMS

* * * * * * *

AUTHORIZATIONS AND ALLOTMENTS

SEC. 172. (a) There is authorized to be appropriated for the fiscal year ending June 30, 1969, $20,000,000, for the fiscal year ending June 30, 1970, $35,000,000, for the fiscal year ending June 30, 1971, $50,000,000, [and] for each of the succeeding fiscal years ending prior to [July 1, 1975,] *October 1, 1976, $75,000,000, and for the fiscal year ending September 30, 1977, $25,000,000,* for making grants to the States for programs of vocational education designed to prepare students for employment through cooperative work-study arrangements.

* * * * * * *

PART H—WORK-STUDY PROGRAMS FOR VOCATIONAL EDUCATION STUDENTS

AUTHORIZATION OF APPROPRIATIONS AND ALLOTMENT

SEC. 181. (a) There are hereby authorized to be appropriated $35,000,000 for each of the fiscal years ending June 30, 1969 and June 30, 1970, $45,000,000 for the fiscal year ending June 30, 1972, and for each of the succeeding fiscal years ending prior to [July 1, 1975,] *October 1, 1976, and $15,000,000 for the fiscal year ending September 30, 1977,* for the purposes of this part.

* * * * * * *

PART I—CURRICULUM DEVELOPMENT IN VOCATIONAL AND TECHNICAL EDUCATION

AUTHORIZATION

SEC. 189. (a) The Congress finds that curriculum development in vocational education is complicated by the diversity of occupational objectives; variations due to geography; differences in educational levels and types of programs; and by the wide range of occupations which includes, but is not limited to, agriculture, food processing and preparation, trades and industry, distribution and marketing, technical, public service, health services, business, and office occupations. It is therefore the purpose of this section to enable the Commissioner to provide appropriate assistance to State and local educational agencies in the development of curriculums for new and changing occupations, and to coordinate improvements in, and dissemination of, existing curriculum materials.

(b) There are authorized to be appropriated $7,000,000 for the fiscal year ending June 30, 1969, [and] $10,000,000 for each of the succeeding fiscal years ending prior to [July 1, 1975,] *October 1, 1976, and $5,000 000 for the fiscal year ending September 30, 1977,* for the purposes set forth in this section.

* * * * * * *

AUTHORIZATION OF APPROPRIATIONS

SEC. 193. There are authorized to be appropriated $17,500,000 [for the fiscal year ending June 30, 1975] *for each of the fiscal years ending prior to October 1, 1976, and $10,000,000 for the fiscal year ending September 30, 1977*, to carry out the provisions of this part.

* * * * * * *

PART B—STATE VOCATIONAL EDUCATION PROGRAMS

* * * * * * *

VOCATIONAL EDUCATION DATA AND OCCUPATIONAL INFORMATION DATA SYSTEMS

SEC. 125. (a)(1) The Commissioner and the Administrator of the National Center for Education Statistics shall, by January 1, 1977, jointly develop information elements and uniform definitions for a national vocational education data reporting and accounting system. This system shall include information resulting from the evaluations required to be conducted by section 124 (as such section will be in effect on October 1, 1977) and other information on vocational—

(A) students (including information on their race and sex),
(B) programs,
(C) program completers and leavers,
(D) staff,
(E) facilities, and
(F) expenditures.

(2) In developing this system, the Commissioner and the Administrator shall endeavor as much as possible to make the system compatible with the occupational information data system developed pursuant to subsection (b) and other information systems involving data on programs assisted under the Comprehensive Employment and Training Act of 1973.

(3)(A) After the completion of the development of these information elements and uniform definitions pursuant to paragraph (1), the Administrator shall immediately begin to design, implement, and operate this information system which shall be in full operation for the fiscal year beginning October 1, 1977.

(B) Any State receiving assistance under this title shall cooperate with the Administrator in supplying the information required to be submitted by the Administrator and shall comply in its reports with the information elements and definitions developed jointly by the Administrator and the Commissioner pursuant to paragraph (1). Each State shall submit this data to the Administrator in whatever form he or she requires; and, whenever possible, this reporting shall include reporting of data by labor market areas within the State.

(4) The Administrator shall have the responsibility for updating this national vocational education information and accounting system and for preparing annual acquisition plans of data in operating this system. These plans shall be submitted to the Commissioner for his or her review and comment.

(5) The Commissioner, in cooperation with the Administrator, shall prepare an annual report on the status of vocational education in the country during each fiscal year. This report shall be submitted to Congress within nine months after the end of each fiscal year and shall include data on the information elements listed in paragraph (1) and an analysis of such data.

(b)(1) There is hereby established a National Occupational Information Coordinating Committee which shall consist of the Commissioner, the Administrator, the Commissioner of Labor Statistics, and the Assistant Secretary for Employment and Training. This Committee, with funds available to it under section 102(a) (as such section will be in effect on October 1, 1977), shall—

(A) in the use of program data and employment data, improve coordination between, and communication among, administrators and planners of programs authorized by this title and by the Comprehensive Employment and Training Act of 1973, employment security agency administrators, research personnel, and employment and training planning and administering agencies at the Federal, State, and local levels;

(B) develop and implement, by January 1, 1977, an occupational information system to meet the common occupational information needs of vocational education programs and employment and training programs at the national, State, and local levels, which system shall include data on occupational demand and supply based on uniform definitions, standardized estimating procedures, and standardized occupational classifications; and

(C) assist State occupational information coordinating committees established pursuant to paragraph (2).

(2) By January 1, 1977, each State receiving assistance under this title and under the Comprehensive Employment and Training Act of 1973 shall establish a State occupational information coordinating committee composed of representatives of the State board, the State employment security agency, the State Manpower Services Council, and the agency administering the vocational rehabilitation program. This committee shall, with funds available to it from the National Coordinating Committee established pursuant to paragraph (1), implement an occupational information system in the State which will meet the common needs for the planning for, and the operation of, programs of the State board assisted under this title and of the administering agencies under the Comprehensive Employment and Training Act of 1973.

HIGHER EDUCATION ACT OF 1965

* * * * * * *

TITLE V—EDUCATION PROFESSIONS DEVELOPMENT

* * * * * * *

PART F—TRAINING AND DEVELOPMENT PROGRAMS FOR VOCATIONAL EDUCATIONAL PERSONNEL

* * * * * * *

AUTHORIZATION OF APPROPRIATIONS

Sec. 555. There are authorized to be appropriated for the purposes of carrying out this part $25,000,000 for each of the fiscal years ending prior to October 1, 1977.

TITLE X—COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION

* * * * * * *

Part C—Establishment of Agencies

ESTABLISHMENT OF BUREAU OF OCCUPATIONAL AND ADULT EDUCATION

Sec. 1071. (a) There is hereby established in the United States Office of Education a Bureau of Occupational and Adult Education hereinafter referred to as the Bureau, which shall be responsible for the administration of this title, the Vocational Education Act of 1963, including parts C and I thereof, the Adult Education Act, functions of the Office of Education relating to manpower training and development, functions of the Office relating to vocational, technical, and occupational training in community and junior colleges, and any other Act vesting authority in the Commissioner for vocational, occupational, adult and continuing education and for those portions of any legislation for career education which are relevant to the purposes of other Acts administered by the Bureau.

(b)(1) The Bureau shall be headed by a person (appointed or designated by the Commissioner) who is highly qualified in the fields of vocational, technical, and occupational education, who is accorded the rank of Deputy Commissioner, and who shall be compensated at the rate specified for grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code.

(2) Additional positions are created for, and shall be assigned to, the Bureau as follows:

(A) Three positions to be placed in grade 17 of such General Schedule, one of which shall be filled by a person with broad experience in the field of junior and community college education,

(B) Seven positions to be placed in grade 16 of such General Schedule, at least two of which shall be filled by persons with broad experience in the field of postsecondary-occupational education in community and junior colleges, at least one of which shall be filled by a person with broad experience in education in private proprietary institutions, and at least one of which shall be filled by a person with professional experience in occupational guidance and counseling, and

(C) Three positions which shall be filled by persons at least one of whom is a skilled worker in a recognized occupation, another is a subprofessional technician in one of the branches of engineering, and the other is a subprofessional worker in one of the branches of social or medical services, who shall serve as senior advisers in the implementation of this title.

(3) The Commissioner shall assign to the Bureau, beginning in fiscal year 1977, at least as many persons to directly administer the programs authorized under the Vocational Education Act of 1963 as were assigned to directly administer that Act during fiscal year 1967.

(c) The Bureau shall conduct, during the period beginning October 1, 1977, and ending September 30, 1981, a comprehensive review analyzing the strengths and weaknesses of the programs assisted with funds available under the Vocational Education Act of 1963 within each State receiving assistance under that Act. The Department of Health, Education, and Welfare, during the same period, shall conduct a comprehensive fiscal audit of such programs, within each such State. The conclusions reached through these reviews and audits shall be shared with the States in the reports the Commissioner is required to submit to the States analyzing their annual accountability reports as required by section 123.

[Effective on October 1, 1977]

Vocational Education Act of 1963

AN ACT To strengthen and improve the quality of vocational education and to expand the vocational education opportunities in the Nation, to extend for three years the National Defense Education Act of 1958 and Public Laws 815 and 874, Eighty-first Congress (federally affected areas), and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that Title I of this Act may be cited as the "Vocational Education Act of 1963".

TITLE I—VOCATIONAL EDUCATION

PART A—GENERAL PROVISIONS

* * * * * * *

[AUTHORIZATION OF APPROPRIATIONS

[SEC. 102. (a) There are authorized to be appropriated $355,000,000 for the fiscal year ending June 30, 1969, $565,000,000 for the fiscal year ending June 30, 1970, $675,000,000 for the fiscal year ending June 30, 1971, $675,000,000 for the fiscal year ending June 30, 1972, and $565,000,000 for the fiscal year ending June 30, 1973, and each succeeding fiscal year for the purposes of parts B and C of this title. From the amount appropriated pursuant to the preceding sentence and allotted to each State under section 103, 90 per centum shall be available for the purposes of part B and 10 per centum shall be available for the purposes of part C.

[(b) There are also authorized to be appropriated $40,000,000 each for the fiscal years and ending June 30, 1969, and June 30, 1970, $50,000,009 for the fiscal year ending June 30, 1971, and $60,000,000 for the fiscal year ending June 30, 1972, and for the succeeding fiscal years ending prior to July 1, 1975, for the purposes of section 122(a)(4)

(A). Nothing in this subsection shall be construed to affect the availability for such purposes, of appropriations made pursuant to subsection (a) of this section.

[(c) There are authorized to be appropriated $17,500,000 for the fiscal year ending June 30, 1975, for the purposes of carrying out section 122(a)(4)(C). Nothing in this subsection shall be construed to affect the availability for such purpose of appropriations made pursuant to subsection (a).

[(d) There are further authorized to be appropriated for each fiscal year such sums as may be necessary to pay the cost of the administration and development of State plans, the activities of advisory councils created under this title, and the evaluation and dissemination activities required pursuant to this title.]

ALLOTMENTS AMONG STATES

[SEC. 103. (a)(1) From the sums appropriated pursuant to section 102(a) the Commissioner shall first reserve an amount, not to exceed $5,000,000 in any fiscal year, for transfer to the Secretary of Labor to finance (upon terms and conditions mutually satisfactory to the Commissioner and the Secretary of Labor) national, regional, State, and local studies and projections of manpower needs for the use and guidance of Federal, State, and local officials, and of advisory councils charged with responsibilities under this title.]

SEC. 102. (a)(1)(A) From the sums appropriated pursuant to section 131, the Commissioner shall first reserve an amount equal to 5 per centum of such sums. From the amount so reserved, the Commissioner shall transfer an amount not to be less than $3,000,000 but not to exceed $5,000,000 in any fiscal year to the National Occupational Information Coordinating Committee established pursuant to section 125, and the remainder of the amount so reserved shall be used by the Commissioner for contracts of national significance under part E.

(B)(i) From the sums appropriated pursuant to section 131, the Commissioner is authorized to reserve for purposes of this subparagraph an amount approximately equivalent to the same percentage of that appropriation as the population aged fifteen to twenty-four, inclusive, which is eligible to receive educational benefits as Indians from the Bureau of Indian Affairs is to the total population of all the States aged fifteen to twenty-four, inclusive, except that such amount shall not exceed 1 per centum of such appropriation.

(ii) For purposes of this subparagraph, the term "Act of April 16, 1934" means the Act entitled "An Act authorizing the Secretary of the Interior to arrange with States or Territories for the education, medical attention, relief of distress, and social welfare of Indians, and for other purposes," enacted April 16, 1934 (48 Stat. 596; 25 U.S.C. 452–457).

(iii) The Commissioner is directed, upon the request of any Indian tribe which has contracted with the Secretary of the Interior for the administration of programs under the Indian Self-Determination Act or under the Act of April 16, 1934 to enter into a contract or contracts with any tribal organization of any such Indian tribe to plan, conduct, and administer programs, or portions thereof, which are

authorized by and consistent with the purposes of this title, except that such contracts shall be subject to the terms and conditions of section 102 of the Indian Self-Determination Act and shall be conducted in accordance with provisions of sections 4, 5, and 6 of the Act of April 16, 1934 which are relevant to the programs administered under this sentence. From any remaining funds reserved pursuant to division (i) of this subparagraph (B) the Commissioner is authorized to enter into an agreement with the Commissioner of the Bureau of Indian Affairs for the operation of vocational education programs authorized by this title in institutions serving Indians described in division (i) of this subparagraph (B), and the Secretary of the Interior is authorized to receive these funds for that purpose. For the purposes of this title, the Bureau of Indian Affairs shall be demeed a State board; and all the provisions of this title shall be applicable to the Bureau as if it were a State board.

(2) The remainder of the sums appropriated pursuant to [section 102(a) and all of the sums appropriated pursuant to section 102(b)] *section 131 and all of the sums appropriated pursuant to sections 121 and 141, except for those funds reserved to the Commissioner pursuant to section 141,* shall be allotted among the States on the basis of the number of persons in the various age groups needing vocational education and the per capita income in the respective State as follows: The Commissioner shall allot to each State for each fiscal year—

(A) An amount which bears the same ratio to 50 per centum of the sums being allotted, as the product of the population aged fifteen to nineteen, inclusive, in the State in the preceding fiscal year and the State's allotment ratio bears to the sum of the corresponding products for all the States; plus

(B) An amount which bears the same ratio to 20 per centum of the sums being allotted, as the product of the population aged twenty to twenty-four, inclusive, in the State in the preceding fiscal year and the State's allotment ratio bears to the sum of the corresponding products for all the States; plus

(C) An amount which bears the same ratio to 15 per centum of the sums being allotted, as the product of the population aged twenty-five to sixty-five, inclusive, in the State in the preceding fiscal year and the State's allotment ratio bears to the sum of the corresponding products for all the States; plus

(D) An amount which bears the same ratio to 15 per centum of the sums being allotted, as the sum of the amounts allotted to the State under subparagraphs (A), (B), and (C) for such years bears to the sum of the amounts allotted to all the States under paragraphs (A), (B), and (C) for such year.

(b) The amount of any State's allotment under subsection (a) for any fiscal year which is less than [$10,000] *$200,000 for section 131* shall be increased to that amount, the total of the increases thereby required being derived by proportionately reducing the allotments to each of the remaining States under such subsection, but with such adjustments as may be necessary to prevent the allotment of any of such remaining States from being thereby reduced to less than that amount.

(c) The amount of any State's allotment under subsection (a) for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the program for which such amount has been allotted shall be available, from time to time, for reallotment, on such dates during such year as the Commissioner shall fix, on the basis of criteria established by regulations, first among programs authorized by other parts of this title within that State and then among other states [except that funds appropriated under section 102(b) may only be reallotted for the use set forth in section 122 (a)(4)(A). Any amount reallotted to a State under this subsection for any fiscal year shall remain available for obligation during the next succeeding fiscal year and shall be deemed to be part of its allotment for the year in which it is obligated].

(d)(1) The allotment ratio for any State shall be 1.00 less the product of—

(A) 0.50, and

(B) the quotient obtained by dividing the per capita income for the State by the per capita income for all the States (exclusive of Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), except that (i) the allotment ratio in no case shall be more than 0.60 or less than 0.40, and (ii) the allotment ratio for Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands shall be 0.60.

(2) The allotment ratios shall be promulgated by the Commissioner for each fiscal year between July 1 and September 30 of the preceding fiscal year. Allotment ratios shall be computed on the basis of the average of the appropriate per capita incomes for the three most recent consecutive fiscal years for which satisfactory data are available.

(3) The term "per capita income" means, with respect to a fiscal year, the total personal income in the calendar year ending in such year, divided by the population of the area concerned in such year.

(4) For the purposes of this section population shall be determined by the Commissioner on the basis of the latest estimates available to him.

(e) The total allotments to a State under this section from appropriations provided under section 121, 131 and 141 for any fiscal year shall not be less than the total amount of payments made to the State under allotments determined under this title for this fiscal year ending June 30, 1976.

STATE ADMINISTRATION

SEC. 103. (a) Any State desiring to participate in the programs authorized by this Act shall, consistent with State law, designate or establish State board or agency (hereinafter referred to as the 'State board') which shall be the sole State agency responsible for the administration, or for the supervision of the administration, of such programs. The responsibilities of the State board shall include—

(1) the development of policy with respect to such programs;

(2) the development and submission to the Commissioner of the three-year State plan required by section 122 and of the annual accountability report required by section 123; and

(3) the consultation with the State advisory council on vocational education and other appropriate State agencies and councils involved in the planning and reporting as required by section 122 and 123.

Except with respect to those functions set forth in the preceding sentence, the State board may delegate any of its other responsibilities involving administration, operation, or supervision, in whole or in part, to one or more appropriate State agencies.

(b) Each State board shall certify to the Commissioner, as part of its annual accountability report submitted pursuant to section 123, any delegation of its responsibilities for administration, operation, or supervision of vocational education programs under this Act to other appropriate State agencies, setting forth the specific responsibility delegated and the specific agency involved.

[ESTABLISHMENT OF BUREAU OF OCCUPATIONAL AND ADULT EDUCATION]

FEDERAL ADMINISTRATION

[SEC. 1071.[1] (a) There is hereby established in the United States Office of Education a Bureau of Occupational and Adult Education hereinafter referred to as the Bureau, which shall be responsible for the administration of this title, the Vocational Education Act of 1963, including parts C and I thereof, the Adult Education Act, functions of the Office of Education relating to manpower training and development, functions of the Office relating to vocational, technical, and occupational training in community and junior colleges, and any other Act vesting authority in the Commissioner for vocational, occupational, adult and continuing education and for those portions of any legislation for career education which are relevant to the purposes of other Acts administered by the Bureau.]

SEC. 104. (a) There is hereby established in the United States Office of Education a Bureau of Occupational and Adult Education hereinafter referred to as the "Bureau," which shall be responsible for (1) the administration of all the programs authorized by the Vocational Education Act of 1963 and the Adult Education Act, (2) functions of the Office of Education relating to manpower training and development, (3) functions of that Office relating to postsecondary vocational, technical, and occupational training funded under this Act, (4) the administration of any other Act of Congress vesting authority in the Commissioner for vocational, occupational, and adult education, and (5) the administration of those portions of any Act of Congress relating to career education which are relevant to the purposes of other Acts of Congress administered by the Bureau.

(b)(1) The Bureau shall be headed by a person (appointed or designated by the Commissioner) who is highly qualified in the fields of vocational, technical, and occupational education, who is accorded the rank of Deputy Commissioner, and who shall be compensated at the rate specified for grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code.

(2) Additional positions are created for, and shall be assigned to, the Bureau as follows:

(A) Three positions to be placed in grade 17 of such General Schedule, one of which shall be filled by a person with broad experience in the field of junior and community college education,

(B) Seven positions to be placed in grade 16 of such General Schedule, at least two of which shall be filled by persons with broad experience in the field of postsecondary occupational education in community and junior colleges, at least one of which shall be filled by a person with broad experience in education in private proprietary institutions, and at least one of which shall be filled by a person with professional experience in occupational guidance and counseling, and

---

[1] Transferred from the Higher Education Act of 1965.

(C) Three positions which shall be filled by persons at least one of whom is a skilled worker in a recognized occupation, another is a subprofessional technician in one of the branches of engineering, and the other is a subprofessional worker in one of the branches of social or medical services, who shall serve as senior advisers in the [implementation of this title] *administration of the programs in the Bureau.*

NATIONAL AND STATE ADVISORY COUNCILS

SEC. [104.] *105.* (a) (1) There is hereby created a National Advisory Council on Vocational Education (hereinafter referred to as the "National Council") consisting of twenty-one members appointed by the President, without regard to the civil service laws, for terms of three years, except that (i) in the case of the initial members, seven shall be appointed for terms of one year each and seven shall be appointed for terms of two years each, and (ii) appointments to fill vacancies shall be only for such terms as remain unexpired. The Council shall include persons—

(A) [representative of] *representing* labor and management, [including persons who have knowledge of the semiskilled, skilled, and technical employment in such occupational fields as agriculture, home economics, distribution and marketing, health, trades, manufacturing, office and service industries, and persons representative of new and emerging occupational fields,]

[(B) familiar with manpower problems and administration of manpower programs.]

(B) representing the National Commission for Manpower Policy created pursuant to title V of the Comprehensive Employment and Training Act of 1973,

(C) knowledgeable about the administration of State and local vocational education programs, including members of local school boards,

(D) experienced in the education and training of handicapped persons and of persons of limited English-speaking ability (as defined in section 703(a) of title VII of the Elementary and Secondary Education Act of 1965),

(E) familiar with the special problems and needs of individuals disadvantaged by their socioeconomic backgrounds,

(F) having special knowledge of postsecondary and adult vocational education programs, [and]

(G) knowledgeable in the field of guidance and counseling,

(H) representing nonprofit private schools,

(I) who are women with backgrounds and experiences in employment and training programs and who are knowledgeable with respect to problems of sex discrimination in job training and in employment, including women who are members of minority

groups and who have, in addition to such backgrounds and experiences, special knowledge of the problems of discrimination in job training and employment against women who are members of such groups, and

[(G)] *(J)* [representative of] *representing* the general public who are not Federal employees, including parents and students, except that they may not be [representative of] *representing* categories (A) through [(F)], *(I)*, and who shall constitute no less than one-third of the total membership.

[The National Council shall meet at the call of the Chairman, who shall be selected by the President, but not less than four times a year.] *The National Council shall have as a majority of its members persons who are not educators or administrators in the field of education. The National Council shall meet at the call of the Chairperson, who shall be selected by the President, but not less than four times a year.*

(2) The National Council shall—

(A) advise the Commissioner concerning the administration of, preparation of general regulations for, and operation of, vocational education programs supported with assistance under this title [and under Part B of Title X of the Higher Education Act of 1965];

(B) review the administration and operation of vocational education programs under this title [and under Part B of Title X of the Higher Education Act of 1965], including the effectiveness of such programs in meeting the purposes for which they are established and operated, make recommendations with respect thereto, and make annual reports of its findings and recommendations (including recommendations for changes in the provisions of this title) to the Secretary for transmittal to the Congress; [and]

(C) provide technical assistance and leadership to the State advisory councils established pursuant to this section in order to assist them in carrying out their responsibilities under this Act;

(D)(i) identify, after consultation with the National Commission for Manpower Policy, the vocational education and employment and training needs of the Nation and assess the extent to which vocational education, employment training, vocational rehabilitation, and other programs under this and related Acts represent a consistent, integrated, and coordinated approach to meeting such needs; and

(ii) comment, at least once annually, on the reports of the National Commission, which comments shall be included in one of the reports submitted by the National Advisory Council pursuant to this section and in one of the reports submitted by the National Commission pursuant to section 505 of the Comprehensive Employment and Training Act of 1973; and

[(C)] *(E)* conduct independent evaluations of programs carried out under this title [and under Part B of Title X of the Higher Education Act of 1965], and publish and distribute the results thereof.

[(4) The Council is authorized, without regard to the civil service laws, to engage such technical assistance as may be required to carry out its functions, and to this end there are hereby authorized to be appropriated for the fiscal year ending June 30, 1969, $100,000, and for the fiscal year ending June 30, 1970, and each of the succeeding fiscal years, $150,000.**]**

(4) There are authorized to be appropriated $450,000 for the fiscal year ending September 30, 1978, $475,000 for the fiscal year ending September 30, 1979, and $500,000 for each of the fiscal years ending prior to September 30, 1981 for the purposes of this paragraph. The Council is authorized to use the funds appropriated pursuant to the preceding sentence to carry out its functions as set forth in this section and to engage such technical assistance as may be required to assist it in performing these functions.

(5) The National Council shall review the possible duplication of vocational education programs at the postsecondary and adult levels within geographic areas, and shall make annual reports of the extent to which such duplication exists, together with its findings and recommendations, to the Secretary. In making these reports, the Council shall seek the opinions of persons familiar with postsecondary and adult vocational education in each State from schools, junior colleges, technical institutes, and other institutions of higher education, as well as from State boards of education, State junior college boards, and State boards of higher education, and persons familiar with area schools, labor, business and industry, accrediting commissions, proprietary institutions, and manpower programs. Subject to section 448(b) of the General Education Provisions Act, the National Council shall continue to exist until **[**July 1, 1976**]** *September 30, 1982.*

(6) The National Council may accept gifts, and may accept transfers of funds from other departments or agencies, if the receipt of such gifts and transfers will better enable the National Council to carry out the functions described in paragraph (2) of subsection (a) of this section.

(b)(1) Any State which desires to receive a grant under this title for any fiscal year shall establish a State advisory council, which shall be appointed by the Governor or, in the case of States in which the members of the State board are elected (including election by the State legislature), by such board, **[**and which shall**]**—*for terms of three years, except that (A) in the case of the members appointed for fiscal year 1978, one-third of the membership shall be appointed for terms of one year each and one-third shall be appointed for terms of two years each, and (B) appointments to fill vacancies shall be for such terms as remain unexpired. The Council shall have as a majority of its members persons who are not educators or administrators in the field of education and shall*

(A) include as members a person or persons—

(i) familiar with the vocational needs and the problems of management and labor in the State, and a person or persons representing State industrial and economic development agencies,

(ii) *representing* community and junior colleges and other institutions of higher education, area vocational schools, technical institutes, and postsecondary or adult education agencies or institutions, which may provide programs of vocational or technical education and training, [(iii) familiar with the administration of State and local vocational education programs, and a person or persons having special knowledge, experience, or qualifications with respect to vocational education and who are not involved in the administration of State or local vocational education programs,]

(iii) who is currently serving as a superintendent or other administrator of a local educational agency.

(iv) familiar with programs of technical and vocational education, including programs in comprehensive secondary schools,

[(v) representative of local educational agencies, and a person or persons who are representative of school boards,]

(v) who is currently serving on a local school board,

[(vi) representative of manpower and vocational education agencies in the State, including a person or persons from the Comprehensive Area Manpower Planning System of the State,] *(vi) a representative of the State Manpower Services Council established pursuant to section 107 of the Comprehensive Employment and Training Act of 1973,*

(vii) representing school systems with large concentrations of academically, socially, economically, and culturally disadvantaged students (and may include, where appropriate, students who are persons of limited English-speaking ability (as defined in section 703(a) of title VII of the Elementary and Secondary Education Act of 1965)).

(viii) having special knowledge, experience, or qualifications, with respect to the special educational needs of physically or mentally handicapped persons, [and]

(ix) knowledgeable in the field of guidance and counseling,

(x) representing nonprofit private schools,

(xi) who are women with backgrounds and experiences in employment and training programs and who are knowledgeable with respect to problems of sex discrimination in job training and employment, including women who are members of minority groups and who have, in addition to such backgrounds and experiences, special knowledge of the problems of discrimination in job training and employment against women who are members of such groups, and

(xii) who is a vocational education teacher presently teaching in a local educational agency, and

[ix] *(xiii) representing* the general public, including a person or persons representative of and knowledgeable about the poor and disadvantaged, who are not qualified for membership under any of the preceding clauses of this paragraph;

(B) advise the State board on the development of and policy matters arising in the administration of the State plan *and of the annual accountability report* submitted pursuant to part B of this title [including the preparation of long-range and annual program plans pursuant to paragraphs (4) and (5) of section 123(a)];

(C) evaluate vocational education programs, services and activities assisted under this title, and publish and distribute the results thereof; and

(D) assist the State board, local educational agencies, and other public agencies, in establishing, and working with, local advisory councils which are broadly representative of the community, including business and labor, and which serve for program areas, schools, communities, or regions;

(E)(i) identify, after consultation with the State Manpower Services Council, the vocational education and employment and training needs of the State and assess the extent to which vocational education, employment training, vocational rehabilitation, and other programs assisted under this and related Acts represent a consistent, integrated, and coordinated approach to meeting such needs; and (ii) comment, at least once annually, on the reports of the State Manpower Services Council, which comments shall be included in the annual report submitted by the advisory council pursuant to this section and in the annual report submitted by the State council pursuant to section 107 of the Comprehensive Employment and Training Act of 1973; and

[(D)] *(F)* prepare and submit through the State board to the Commissioner and to the National Council an annual evaluation report, accompanied by such additional comments of the State board as the State board deems appropriate, which (i) evaluates the effectiveness of vocational education programs, services, and activities carried out in the year under review in meeting the program objectives set forth in the long-range program plan and the annual [program plan provided for in paragraphs (4) and (5) of section 123(a)] *accountability report required by part B, including a consideration of the program evaluation reports developed by the State board pursuant to section 124 and of the analysis of the distribution of Federal funds within the State submitted by the State board pursuant to section 123,* and (ii) recommends such changes in such programs, services, and activities as may be warranted by the evaluations.

(2) Not less than ninety days prior to the beginning of any fiscal year [ending after June 30, 1969,] in which a State desires to receive a grant under this title, that State shall certify the establishment of, and membership of, its State Advisory Council to the Commissioner.

(3) Each State Advisory Council shall meet within thirty days after certification has been accepted by the Commissioner and select from among its membership a [chairman] *Chairperson.* The time, place, and manner of meeting *as well as council operating procedures and staffing,* shall be as provided by the rules of the State Advisory Council, except that such rules must provide for not less than one public meeting each year at which the public is given opportunity to express views concerning vocational education.

(4) State Advisory Councils are authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this title and to contract for such services as may be necessary to enable them to carry out their evaluation functions, *independent of programmatic and administrative control by other State boards or agencies.*

(c)(1) There are hereby authorized to be appropriated $8,000,000 for fiscal year 1978, $8,500,000 for fiscal year 1979, $9,000,000 for fiscal year 1980, and $10,000,000 for fiscal year 1981 for the purpose of making grants to State advisory councils to carry out the functions specified in this section. From the sums appropriated pursuant to this subsection, the Commissioner shall, subject to the provisions of the following sentence, pay to each State advisory council an amount equal to the reasonable amounts expended by it in carrying out its functions under this title in such fiscal year, except that no State advisory council shall receive an amount to exceed $300,000 or an amount less than $100,000. In the case of Guam, American Samoa, and the Trust Territory of the Pacific Islands, the Comissioner may pay the State advisory council in each such jurisdiction an amount less than the minimum specified in the preceding sentence if he or she determines that the council can perform its functions with a lesser amount.

(2) The expenditure of these funds is to be determined solely by the State advisory council for carrying out its functions under this title, and may not be diverted or reprogramed for any other purpose by any State board or agency. Each council shall designate an appropriate State agency to act as its fiscal agent for purposes of disbursement, accounting, and auditing.

[(c) State advisory councils also shall perform with respect to the programs carried out under part B of title X of the Higher Education Act of 1965 functions identical with or analogous to those assigned under this title, and the Commision shall assure that adequate funds are made available to such Councils from funds appropriated to carry out part B of that title (without regard to whether such funds have been alloted to States) to enable them to perform such functions.]

[(d)] *(e)* From the sums appropriated pursuant to section 102(c) for any fiscal year, the Commissioner is authorized (in accordance with regulations) to pay to each State Advisory Council an amount equal to the reasonable amounts expended by it in carrying out its functions under this title in such fiscal year, except that the amount available for such purpose shall be equal to 1 per centum of the State's allotment under section 103, but such amount shall not exceed $150,000 and shall not be less than $50,000.

GENERAL APPLICATION

Sec. 106. (a) Any State desiring to receive the amount for which it is eligible for any fiscal year pursuant to this Act shall, though its State board, submit to, and maintain on file with, the Commissioner a general application providing assurances that—

(1) the State will provide for such methods of administration as are necessary for the proper and efficient administration of the Act and as are consistent with the requirements of section 103;

(2) the State board will cooperate with the State advisory council on vocational education in carrying out its duties pursuant to section 105 and with the agencies and council specified in sections 122 and 123 to be involved in the formulation of the State plan and of the annual accountability reports;

(3)(A) Federal funds made available under this Act will be so used as to supplement, and to the extent practicable, increase the amount of State and local funds that would in the absence of such Federal funds be made available for the uses specified in the Act, and in no case supplant such State or local funds; and

(B) in the case of local educational agencies or other public agencies receiving funds under this Act, the combined fiscal effort per student of that agency and that State with respect to the provision of vocational education by that agency for the preceding fiscal year was not less than such combined effort for that purpose for the second preceding fiscal year, or, in the case of a State, the fiscal effort of that State for vocational education per student for the preceding fiscal year was not less than such fiscal effort for the second preceding fiscal year;

(4) the State will make provision for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to local educational agencies and other public agencies under the Act);

(5) the State will base the distribution of funds available under this Act on economic, social, and demographic factors relating to the need for vocational education among the various populations and the various areas of the State, except that—

(A) the State will use as the two most important factors in determining this distribution (i) in the case of local educational agencies, the relative financial ability of such agencies to provide the resources necessary to meet the need for vocational education in the areas they serve and the relative number or concentration of low-income families or individuals within such agencies, and (ii) in the case of other public agencies, the relative financial ability of such agencies to provide the resources necessary to initiate or maintain vocational education programs to meet the needs of their students and the relative number or concentration of students whom they serve whose education imposes higher than average costs, such as handicapped students, students from low-income families, and students from families in which English is not the dominant language; and

(B) will not (i) allocate such funds among agencies within the State on a uniform basis of matching of these funds by such agencies with their own funds without taking into consideration the resources of these agencies, or (ii) deny funds to any agency which is making a reasonable tax effort solely because such agency is unable to pay the non-Federal share of the cost of new programs;

(6) every application from local educational agencies or other public agencies (A) has been developed in consultation with any local advisory council which has been established to assist such agency and (B) has been developed after taking into consideration the findings of any evaluations conducted by the State of any of the programs operated by such agency during previous years;

(7) the State will comply with any requests of the Commissioner for the submission of such reports as he or she may reasonably require in carrying out his or her functions;

(8) the State has instituted policies and procedures to insure that copies of the State plan and all statements of general policies, rules, regulations, and procedures issued by the State board concerning the administration of such plan will be made reasonably available to the public; and

(9) the funds used for purposes of section 132 (a)(4)(B) are consistent with the State plan submitted pursuant to section 613(a) of the Education of the Handicapped Act.

(b) The general application submitted by the State board pursuant to this section shall be considered to be the general application required to be submitted by the State for funds received under the Vocational Education Act of 1963 under the provisions of subsection (b) of section 434 of the General Education Provisions Act.

[LIMITATION ON PAYMENTS UNDER THIS TITLE

[SEC. 107. (a) Nothing contained in this title shall be construed to authorize the making of any payment under this title for religious worship or instruction, or for the construction, operation, or maintenance of so much of any facility as is used or to be used for sectarian instruction or as a place for religious worship.

[(b) Funds appropriated pursuant to this title may be used for residential vocational education schools only to the extent that the operation of such schools is consistent with general regulations of the Commissioner concerning the operation of such schools, but in no case may juveniles be assigned to such schools as the result of their delinquent conduct, and such facilities may not be used in such a manner as to result in racial segregation.]

DEFINITIONS

SEC. [108] *107.* For the purposes of this title—

[(1) The term "vocational education" means vocational or technical training or retraining which is given in schools or classes (including field or laboratory work and remedial or related academic and technical instruction incident thereto) under public supervision and control or under contract with a State board or local educational agency and is conducted as part of a program designed to prepare individuals for gainful employment (including volunteer firemen) as semiskilled or skilled workers or technicians or subprofessionals in recognized occupations and in new and emerging occupations or to prepare individuals for enrollment in advanced technical education programs, but excluding any program to prepare individuals for employment in occupations which the Commissioner determines, and specifies by regulation, to be generally considered professional or which requires a baccalaureate or higher degree; and such term includes vocational guidance and counseling (individually or through group instruction) in connection with such training or for the purpose of facilitating occupational choices; instruction related to the occupation or occupations for which the students are in training or instruction necessary for students to benefit from such training; job placement; the training of persons engaged as, or preparing to become, teachers in a vocational education program or preparing such teachers to meet special education needs of handicapped students; teachers, supervisors, or directors of such teachers while in such a training program; travel of students and vocational education personnel while engaged in a training program; and the acquisition, maintenance, and repair of instructional supplies, teaching aids, and equipment, but such term does not include the construction, acquisition, or initial equipment of buildings or the acquisition or rental of land. Such terms includes industrial arts education programs in cases where the Commissioner determines by regulation that such programs will accomplish or facilitate one or more of the purposes of the first sentence of this paragraph.]

(1) The term "vocational education" means vocational, technical, or occupational training or retraining which is provided in public or private secondary or postsecondary institutions or classrooms, at the work site, or under other innovative arrangements (including field, laboratory work, and remedial or related academic instruction incident thereto) under public supervision and control or under contract with a State board, local educational agency, or other public agency, and which is designed (A) to prepare individuals at the secondary or postsecondary level for gainful employment as semiskilled or skilled workers, or as technicians or subprofessionals, or (B) to increase the occupational proficiency of individuals, or (C) to prepare individuals for enrollment in advanced specialized vocational or technical education programs, except those programs which require a baccalaureate or higher degree; and, for purposes of this paragraph, the term "training or retraining" means only (A) instruction related to the occupation or occupations for which the students are in training or instruction necessary for students to benefit from such training, and (B) the acquisition, maintenance, and repair of instructional supplies, teaching aids and equipment; and the term "vocational education" does not mean the construction, acquisition or initial equipment of buildings or the acquisition or rental of land.

(2) The term "area vocational education school" means—

(A) a specialized high school used exclusively or principally for the provision of vocational education to persons who are available for study in preparation for entering the labor market, or

(B) the department of a high school exclusively or principally used for providing vocational education in no less than five different occupational fields to persons who are available for study in preparation for entering the labor market, or

(C) a technical or vocational school used exclusively or principally for the provision of vocational education to persons who have completed or left high school and who are available for study in preparation for entering the labor market, or

(D) the department or division of a junior college or community college o runiversity which provides vocational education in no less than five different occupational fields, [under the supervision of the State Board] *operating under the policies of the State board*, leading to immediate employment but not necessarily leading to a baccalaureate degree.

if it is available to all residents of the State or an area of the State designated and approved by the State Board, and if, in the case of a school, department, or division described in (C) or (D), if it admits as regular students both persons who have completed high school and persons who have left high school.

* * * * * * *

[(14) The term "vocational training" means training or retraining which is conducted as part of a program designed to prepare individuals for gainful employment as semiskilled or skilled workers or technicians or subprofessionals in recognized occupations and in new and emerging occupations, but excluding any program to prepare individuals for employment in occupations which the Commissioner determines, and specifies by regulation, to be generally considered professional which requires a baccalaureate or higher degree; such term includes guidance and counseling (either individually or through group instruction) in connection with such training or for the purpose of facilitating occupational choices; instruction related to the occupation or occupations to which the students are in training or instruction necessary for students to benefit it from such training; the training of persons engaged as, or preparing to become, instructors in a vocational training program; travel of students and vocational training personnel while engaged in a training program; and the acquisition, maintenance, and repair of instructional supplies, aid, and equipment, but such term does not include the construction, acquisition, or initial equipment of buildings or the acquisition or rental of land.]

(14) The term "industrial arts education programs" means those education programs (A) which pertain to the body of related subject matter, or related courses, organized for the development of understanding about all aspects of industry and technology, including learning experiences involving activities such as experimenting, designing, constructing, evaluating, and using tools, machines, materials, and processes and (B) which assist individuals in the making of informed and meaningful occupational choices or which prepare them for entry into advanced trade and industrial or technical education programs.

(15) The term "postsecondary educational institution" means a nonprofit institution legally authorized to provide postsecondary education within a State for persons sixteen years of age or older, who have graduated from or left elementary or secondary school.

(16) The term "disadvantaged" means persons (other than handicapped persons as defined in this section) determined to be economically or educationally disadvantaged under critria developed by the Commissioner based on objective standards and the most recent available data.

(17) The term "low-income family or individual" means such families or individuals who are determined to be low-income according to the latest available data from the Department of Commerce.

(18) The term "cooperative education" means a program of vocational education for persons who, through written cooperative arrangements between the school and employers, receive instruction, including required academic courses and related vocational instruction by alternation of study in school with a job in any occupational field, but these two experiences must be planned and supervised by the school and employers so that each contributes to the student's education and to his or her employability. Work periods and school attendance may be on alternate half days, full days, weeks, or other periods of time in fulfilling the cooperative program.

(19) The term "curriculum materials" means materials consisting of a series of courses to cover instruction in any occupational field which are designed to prepared persons for employment at the entry

level or to upgrade occupational competencies of those previously or presently employed in any occupational field.

(20) For the purposes of section 134(a)(6), the term "administration" means activities of a State necessary for the proper and efficient performance of its duties under this Act, including supervision, but not including ancillary services such as teacher training, curriculum development, and research.

[PART B—STATE VOCATIONAL EDUCATION PROGRAMS

[AUTHORIZATION OF GRANTS

[SEC. 121. From the sums made available for grants under this part pursuant to sections 102 and 103, the Commissioner is authorized to make grants to States to assist them in conducting vocational education programs for persons of all ages in all communities of the States, which are designed to insure that education and training programs for career vocations are available to all individuals who desire and need such education and training.]

[USES OF FEDERAL FUNDS

[SEC. 122. (a) Grants to States under this part may be used, in accordance with State plans approved pursuant to section 123, for the following purposes:

[(1) vocational education programs for high school students, including such programs which are designed to prepare them for advanced or highly skilled postsecondary vocational and technical education;

[(2) vocational education for persons who have completed or left high school and who are available for study in preparation for entering the labor market;

[(3) vocational education for persons (other than persons who are receiving training allowances under the Manpower Development and Training Act of 1962 (Public Law 87–415), the Area Redevelopment Act (Public Law 87–27), or the Trade Expansion Act of 1962 (Public Law 87–794)) who have already entered the labor market and who need training or retaining to achieve stability or advancement in employment;

[(4) (A) vocational education for persons (other than handicapped persons defined in section 108(6)) who have academic, socioeconomic, or other handicaps that prevent them from succeeding in the regular vocational education program;

[(B) vocational education for handicapped persons who because of their handicapping condition cannot succeed in the regular vocational education program without special educational assistance or who require a modified vocational education program;

[(C) vocational education for students of limited English-speaking ability (as defined in section 703(a) of title VII of the Elementary and Secondary Education Act of 1965) carried out in coordination with bilingual education programs under such title VII and bilingual adult education programs under section 306(a)(11) of the Adult Education Act;

[(5) construction of area vocational education school facilities;

[(6) vocational guidance and counseling designed to aid persons enumerated in paragraphs (1) through (4) of this subsection in the selction of, and preparation for, employment in all vocational areas;

[(7) provision of vocational training through arrangements with private vocational training institutions where such private institutions can make a significant contribution to attaining the objectives of the State plan, and can provide substantially equivalent training at a lesser cost, or can provide equipment or services not available in public institutions; and

[(8) ancillary services and activities to assure quality in all vocational education programs, such as teacher training and supervision, program evaluation, special demonstration and experimental programs, development of instructional materials, and improved State administration and leadership, including periodic evaluation of State and local vocational education programs and services in light of information regarding current and projected manpower needs and job opportunities.

[(b) In addition to the uses of funds specified in subsection (a), funds appropriated pursuant to section 102(c) and paid to a State for the following purpose by the Commissioner may be used for—

[(1) the development of the State plan;

[(2) State administration of the State plan, including obtaining information regarding current and projected manpower needs and job opportunities; and

[(3) the evaluations required under this title and the dissemination of the results thereof.

[(c) (1) At least 25 per centum of that portion of each State's allotment of funds appropriated under section 102(a) for any fiscal year beginning after June 30, 1969, which is in excess of its base allotment shall be used only for the purpose set forth in paragraph (4) (A) of subsection (a): *Provided*, That for any such fiscal year the amount used for such purpose shall not be less than 15 per centum of the total allotment of such funds for each State, except as any requirement under this paragraph may be waived for any State by the Commissioner for any fiscal year upon his finding that the requirement imposes a hardship or is impractical in its application.

[(2) At least 25 per centum of that portion of each State's allotment of funds appropriated under section 102(a) for any fiscal year beginning after June 30, 1969, which is in excess of its base allotment shall be used only for the purpose set forth in paragraph (2) of subsection (a): *Provided*, That for any such fiscal year the amount used for such purpose shall not be less than 15 per centum of the total allotment of such funds for each State, except as any requirement under this paragraph may be waived for any State by the Commissioner for any fiscal year upon his finding that the requirement imposes a hardship or is impractical in its application.

[(3) At least 10 per centum of each State's allotment of funds appropriated under section 102(a) for any fiscal year beginning after June 30, 1969, shall be used only for the purpose set forth in paragraph 4(B) of subsection (a).

[(4) As used in this subsection, the term "base allotment" means the sum of the allotments to a State for the fiscal year ending June 30, 1969, from (1) sums appropriated under section 102(a) of this Act, (2) the Smith-Hughes Act (that is, the Act approved February 23, 1917 (39 Stat. 929; 20 U.S.C. 11–15, 16–28)), (3) the Vocational Education Act of 1946, and (4) any of the supplementary vocational educational Acts (including, in the case of American Samoa, section 2 of the Act of September 25, 1962, 48 U.S.C. 1667).]

[STATE PLANS

[SEC. 123. (a) Any State desiring to receive the amount for which it is eligible for any fiscal year pursuant to this title shall submit a State plan at such time, in such detail, and containing such information as the Commissioner deems necessary, which meets the requirements set forth in this title. The Commissioner shall approve a plan submitted by a State if he determines that the plan submitted for that year—

[(1) has been prepared in consultation with the State advisory council for that State;

[(2) designates the State board as the sole agency for administration of the State plan, or for supervision of the administration thereof by local educational agencies;

[(3) has been submitted only after the State board (A) has given reasonable notice, and afforded a reasonable opportunity for a public hearing, and (B) has implemented policies and procedures to insure that copies of the State plan and all statements of general policies, rules, regulations, and procedures issued by the State board concerning the administration of such plan will be made reasonably available to the public;

[(4) sets forth a long-range program plan (or, as is appropriate, a supplement to, or revision of, a previously submitted long-range plan) for vocational education in the State, which program plan (A) has been prepared in consultation with the State advisory council, (B) extends over such period of time (but not more than five years or less than three years), beginning with the fiscal year for which the State plan is submitted, as the Commissioner deems necessary and appropriate for the purposes of this title, (C) describes the present and projected vocational education needs of the State in terms of the purposes of this title, and (D) sets forth a program of vocational education objectives which affords satisfactory assurance of substantial progress toward meeting the vocational education needs of the potential students in the State;

[(5) sets forth an annual program plan, which (A) has been prepared in consultation with the State advisory council, (B) describes the content of, and allocation of Federal and State vocational education funds to programs, services, and activities to be carried out under the State plan during the year for which Federal funds are sought (whether or not supported with Federal funds under this title), (C) indicates how and to what extent, such programs, services, and activities will carry out the program objectives set forth in the long-range program plan provided for in paragraph (4), and (D) indicates how, and to what extent, allocations of Federal funds allotted to the State will take into consideration the criteria set forth in the State plan pursuant to paragraph (6), and (E) indicates the extent to which consideration was given to the findings and recommendations of the State advisory council in its most recent evaluation report submitted pursuant to section 104;

[(6) sets forth in detail the policies and procedures to be followed by the State in the distribution of funds to local educational agencies in the State and for the uses of such funds, specified in paragraphs (1) through (8) of section 122(a), for the programs, services, and activities set forth in the program plans submitted pursuant to paragraphs (4) and (5), which policies and procedures assure that—

[(A) due consideration will be given to the results of periodic evaluations of State and local vocational education programs, services, and activities in the light of information regarding current and projected manpower needs and job opportunities, particularly new and emerging needs and opportunities on the local, State, and national levels.

[(B) due consideration will be given to the relative vocational education needs of all population groups in all geographical areas and communities in the State, particularly persons with academic, socioeconomic, mental, and physical handicaps that prevent them from succeeding in regular vocational education programs.

[(C) due consideration will be given to the relative ability of particular local educational agencies within the State, particularly those in economically depressed areas and those with high rates of unemployment, to provide the resources necessary to meet the vocational education needs in the areas or communities served by such agencies.

[(D) due consideration will be given to the cost of the programs, services, and activities provided by local educational agencies which is in excess of the cost which may be normally attributed to the cost of education in such local educational agencies.

[(E) funds made available under this title will not be allocated to local educational agencies in a manner, such as the matching of local expenditures at a percentage ratio uniform throughout the State, which fails to take into consideration the criteria set forth in paragraphs (A), (B), (C), and (D),

[(F) applications from local educational agencies for funds—

[(i) have been developed in consultation with representatives of the educational and training resources available to the area to be served by the applicant,

[(ii) are designed to provide the persons to be served with education programs which will make substantial progress toward preparing such persons for a career,

[(iii) includes assurances of adequate planning to meet the vocational education needs of potential students in the area or community served by such agency, and, [(iv) include a plan, related to the appropriate comprehensive area manpower plan (if any), for meeting the vocational education needs in the area or community served by such agency; and

[(v) indicate how, and to what extent the vocational education programs, services, and activities proposed in the application will meet the needs set forth pursuant to clause (iii); and

[(G) no local educational agency which is making a reasonable tax effort, as defined by regulations, will be denied funds for the establishment of new vocational education programs solely because the local educational agency is unable to pay the non-Federal share of the cost of such new programs;

[(7) provides minimum qualification for teachers, teacher-trainees, supervisors, directors, and other personnel having responsibilities for vocational education in the State and the policies and procedures developed to improve the qualifications of such personnel and to insure that such qualifications continue to reflect a direct relationship with the need for personnel in vocational education programs carried out under the State plan;

[(8) provides for entering into cooperative arrangements with the system of public employment offices in the State approved by the State board and by the State head of such system, looking toward such offices making available to the State board and local educational agencies occupational information regarding reasonable prospects of employment in the community and elsewhere, and toward consideration of such information by such board and agencies in providing vocational guidance and counseling to students and prospective students and in determining the occupations for which persons are to be trained; and looking toward guidance and counseling personnel of the State board and local educational agencies making available to public employment offices information regarding the occupational qualifications of persons leaving or completing vocational education courses or schools, and toward consideration of such information by such offices in the occupational guidance and placement of such persons;

[(9) provides that in the development of vocational education programs, services and activities under this title, there may be, in addition to the cooperative arrangements provided for in paragraph (8), cooperative arrangements with other agencies, organizations, and institutions concerned with manpower needs and job opportunities, such as institutions of higher education, and model city, business, labor, and community action organizations;

[(10) provides that effective use will be made of the results and experience of programs and projects assisted under other parts of this title;

[(11) provides assurance that Federal funds made available under this part will be so used as to supplement, and to the extent practical, increase the amount of State and local funds that would in the absence of such Federal funds be made available for the uses set forth in section 122(a), so that all persons in all communities of the State will as soon as possible have ready access to vocational training suited to their needs, interests, and ability to benefit therefrom, and in no case supplant such State or local funds;

[(12) set forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to local educational agencies) under this title;

[(13) provides that any local educational agency dissatisfied with final action with respect to any application for funds under this title shall be given reasonable notice and opportunity for a hearing;

[(14) provides assurance that the requirements of section 106 will be complied with on all construction projects in the State assisted under this title;

[(15) provides for compliance with the requirements with respect to the use of funds set forth in section 122(c);

[(16) provides that grants made from sums appropriated under section 102(b) shall (A) be allocated within the State to areas of high concentration of youth unemployment and school dropouts, and (B) be made only if (i) to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which the program or project involved is to meet, provision has been made for the participation of such students, and (ii) effective policies and procedures will be adopted which assure that Federal funds made available under this section to accommodate students in nonprofit private schools will not be commingled with State or local funds;

[(17) provides for making such reports in such form and containing such information as the Commissioner may reasonably require to carry out his functions under this title, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports; and

[(18) includes provisions which shall assure that funds authorized by this title will not be used for any program of vocational education (except homemaking programs under part F) which cannot be demonstrated to (A) prepare students for employment or (B) be necessary to prepare individuals for successful completion of such a program, or (C) be of significant assistance to individuals enrolled in making an informed and meaningful occupational choice.

[(b) The Commissioner shall not approve a State plan under this section until he has made specific findings as to the compliance of such plan with the requirements of this part and he is satisfied that adequate procedures are set forth to insure that the assurances and provisions of such plan will be carried out.

[(c)(1) The Commissioner shall not finally disapprove any plan submitted under subsection (a), or any modification thereof, without first affording the State board submitting the plan reasonable notice and opportunity for a hearing.

[(2) Whenever the Commissioner, after reasonable notice and opportunity for hearing to the State board administering a State plan approved under subsection (a), finds that—

[(A) the State plan has been so changed that it no longer complies with the provisions of subsection (a), or

[(B) in the administration of the plan there is a failure to comply substantially with any such provision.

the Commissioner shall notify such State board that no further payments will be made to the State under this title (or, in his discretion, further payments to the State will be limited to programs under or portions of the State plan not affected by such failure) until he is satisfied that there will no longer be any failure to comply. Until he is so satisfied, the Commissioner shall make no further payments to such State under this title (or shall limit payments to programs under or portions of the State plan not affected by such failure).

[(3) A State board which is dissatisfied with a final action of the Commissioner under this subsection or subsection (b) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2113 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record the Commissioner may modify or set aside his action. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make now or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

[(d)(1) If any local educational agency is dissatisfied with the final action of the State board with respect to approval of an application by such local agency for a grant pursuant to this title, such local agency may, within sixty days after such final action or notice thereof, which ever is later, file with the United States court of appeals for the circuit in which the State is located a petition for review of that action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the State board. The State board thereupon shall file in the court the record of the proceedings on which the State board based its action as provided in section 2112 of title 28, United States Code.

[(2) The findings of fact by the State board, if supported by substantial evidence shall be conclusive; but the court, for good cause shown, may remand the case to the State board to take further evidence, and the State board may thereupon make new or modified finding of fact and may modify its previous action, and shall certify to the court the record of the further proceedings.

[(3) The court shall have jurisdiction to affirm the action of the State board or to set aside, in whole or in part. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.]

[PAYMENTS TO STATES

[SEC. 124. (a) The Commissioner shall pay, from the amount available to the State for grants under this part, to each State an amount equal to 50 per centum of the State and local expenditures in carrying out its State plan as approved pursuant to section 123, except that—

[(1) allotments of States under section 103 from sums appropriated under section 102(b) may be used, at the discretion of the Commissioner, for paying all or part of the expenditures of the States from such allotments; and

[(2) in the case of the Trust Territory of the Pacific Islands and American Samoa, such amount shall be equal to 100 per centum of such expenditures.

[(b) Payments under this title may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

[(c) No payments shall be made in any fiscal year under this title to any local educational agency or to any State unless the Commissioner finds, in the case of a local educational agency, that the combined fiscal effort of that agency and the State with respect to the provision of vocational education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year or, in the case of a State, that the fiscal effort of that State for vocational education in that State for the preceding fiscal year was not less than such fiscal effort for vocational education for the second preceding fiscal year.]

PART B—PLANNING, REPORTS, AND EVALUATIONS

AUTHORIZATION OF APPROPRIATIONS

SEC. 121. (a) There are authorized to be appropriated $25,000,000 for the fiscal year beginning October 1, 1977, and for each of the three succeeding fiscal years for the purposes described in subsection (b).

(b) The funds appropriated under subsection (a) shall be available to the States for—

(1) preparing the three-year plan required under section 122;

(2) updating the plan required under section 108(a) of the Vocational Education and National Institute of Education Amendments of 1976 and the plan required under section 122 of this title, if necessary, during the other fiscal years;

(3) preparing the annual accountability report, including the collection of necessary data, required to be submitted under section 123; and

(4) conducting the evaluations required by section 124.

STATE PLANS.

Sec. 122. (a)(1) Any State desiring to receive funds under this title shall submit to the Commissioner, during fiscal year 1980, a State plan for vocational education for the three fiscal years succeeding such fiscal year. In formulating this plan, the State board shall involve the active participation of—

(A) the State agency, if any, having responsibility for community and junior colleges;

(B) the State agency, if any, having responsibility for higher education institutions or programs;

(C) the State agency, if separate from the State board, having responsibility for public elementary and secondary programs;

(D) the State agency, if any, having responsibility for postsecondary occupational education programs;

(E) the State agency or commission responsible for comprehensive planning in postsecondary education, which planning reflects programs offered by public, private nonprofit and proprietary institutions, and includes occupational programs at a less-than-baccalaureate degree level;

(F) the State Manpower Services Council appointed pursuant to section 107 of the Comprehensive Employment and Training Act of 1973; and

(G) the State advisory council on vocational education.

This participation shall include at least one meeting during the planning year between representatives of the State board and representatives of all these agencies and councils, meeting as a group. If these agencies and councils and the State board are not able to agree upon the provisions of the State plan, the State board shall have the responsibility for reaching a final decision on those provisions. Any agency or council described above which is dissatisfied with any final decision of the State board may appeal the board's decision to the Commissioner. In such a case the Commissioner shall afford such agency or council and the State board reasonable notice and opportunity for a hearing and shall determine whether the State board's decision is supported by substantial evidence as shown in the State plan. Any agency or State board dissatisfied with a final action of the Commissioner under this subsection may appeal to the United States Court of Appeals for the circuit in which the State is located in accordance wtih the procedure specified in section 434(d)(2) of the General Education Provisions Act.

(2) The State board shall, during the years in which it formulates those plans, conduct a series of public hearings, after giving sufficient public notice, throughout all regions of the State in order to permit all segments of the population to give their views on the objectives which ought to be adopted in the State plan, including the courses to be offered, the allocations of responsibility for these courses among the various levels of education and among the various institutions of the States, and the allocations of local, State, and Federal resources to meet those objectives.

(b) The three-year State plans shall be submitted to the Commissioner by the July 1st preceding the beginning of the first fiscal year for which such plan is to take effect and shall—

(1) assess the present and future needs for job skills within the State and, where appropriate, within the pertinent region of the country through consideration of the latest available data of present and projected employment, including the data available under section 125;

(2) set out explicitly the objectives the State will seek to achieve by the end of the three-year period of the State plan in meeting the need for particular job skills identified through the assessment undertaken in accordance with paragraph (1), including (A) a description of these objectives in terms of—

(i) the courses and other training opportunities to be offered to achieve those skills,

(ii) the projected enrollments of those courses and other training opportunities,

(iii) the allocations of responsibility for the offering of those courses among the various levels of education and among the various institutions of the State, and

(iv) the allocations of all local, State, and Federal financial resources available in the State among these courses and training opportunities, levels of education, and institutions within the State.

and (B) the reasons for choosing these courses and training opportunities, enrollments, allocations of responsibilities, and allocations of resources;

(3) set out explicitly the means by which the State will seek every year to achieve these objectives, including (A) a description of these means in terms of the elements listed in clauses (2)(A)(i) through (2)(A)(iv) above, and (B) the reasons for choosing those particular means Provided, however, that the State will continue to use approximately the same amount of its State grant for programs in secondary schools during fiscal years 1978 and 1979 as it had used during fiscal years 1975 and 1976 unless the State is able to demonstrate in its plan the need to shift funds from such use;

(4) set out explicitly the uses which the State intends to make of the funds available to it under this title, as those uses are set out in section 132(a), and set out the reasons for choosing such uses; and

(5)(A) set forth policies and procedures which the State will follow so as to assure equal access to vocational education programs by both women and men including—

(i) a detailed description of such policies and procedures,

(ii) actions to be taken to overcome sex discriminations and sex stereotyping in all State and local vocational education programs, and

(iii) incentives, to be provided to local educational agencies, so that such agencies will—

(I) encourage the enrollment of both women and men in nontraditional courses of study, and

(II) develop model programs to reduce sex stereotyping in all occupations; and

(B) set forth a program to assess and meet the needs of persons described in section 132(a)(15) which shall provide for (i) spe-

cial courses for such persons in learning how to seek employment, and (ii) placement services for graduates of vocational education programs and courses under section 132(a)(15).

(C)(1) The Commissioner shall not approve a State plan under this section until he or she has made specific findings as to the compliance of such plan with the requirements of this section and he or she is satisfied that adequate procedures are set forth to insure that the assurances of the general application and the provisions of the State plan will be carried out.

(2)(A) The Commissioner may not finally disapprove any plan submitted under this section, or any modification thereof submitted under section 123, without first affording the State board submitting the plan reasonable notice and opportunity for a hearing.

(B)(i) Whenever the Commissioner, after such notice and hearing, finds that the State plan has been so changed that it no longer complies with the provisions of this section or that in the administration of the plan there is a failure to comply substantially with any such provision, the Commissioner shall notify such State board that no further payments will be made to the State under this title until he or she is satisfied that there will no longer be any failure to comply. Until he or she is so satisfied, the Commissioner shall make no further payments to such State under this title.

(ii) A State board which is dissatisfied with a final action of the Commissioner under this subsection may appeal to the United States Court of Appeals for the circuit in which the State is located in accordance with the procedure specified in section 434(d)(2) of the General Education Provisions Act.

ANNUAL ACCOUNTABILITY REPORTS

SEC. 123. (a)(1) Each State participating in programs authorized under this title for any fiscal year shall submit to the Commissioner by January a report for the preceding fiscal year which shall be prepared with the participation of the agencies listed in section 122(a)(1), including the State advisory council, and which shall—

(A) include any updating of the State plan deemed necessary in light of later or more accurate employment data or in light of a different level of funding than was anticipated;

(B) show exactly the extent to which the State during that year has achieved the objectives of the State plan and the degree to which the means proposed to be used during that year have been used, including a description of these objectives and means in terms of the elements listed in clauses (2)(A)(i) through (2)(A)(iv) of section 122(b);

(C) show exactly how State and local funds have been used to achieve the objectives of the State plan for that year and show exactly how the funds made available under this title have been used to achieve those objectives, including a description of the distribution of these funds among local educational agencies and other public agencies within the State in conformance with the requirement contained in section 106(a)(5)(A);

(D) show exactly the distribution of funds made available under this title among the authorized uses of funds set out in

section 132(a), the reasons for choosing such uses, and the results achieved during the year with these funds in terms of the objectives set out in the State plan, including a description of how the State during that year has met the need for upgrading teaching competencies and occupational skills of teachers and related classroom coordinators, supervisors, and counselors as authorized by section 134(a)(4), and description of how the State during that year has met the needs of persons described in section 132(a)(13) by providing special courses for such persons and placement services for graduates of such courses; and

(E) contain a summary of the evaluations of programs required to be conducted by section 124 and a description of how the information from these evaluations have been, or are being used by the State board to improve its programs.

(2) Each State in compiling the reports required to be submitted under this section shall make the data which it submits comply with the nationally uniform definitions and information elements which are developed pursuant to section 215.

(b)(1) The Commissioner shall approve the State's annual accountability report by March 1 of the year in which it is submitted if he or she finds that it fulfills the requirements of this title.

(2) The Commissioner shall also by March 1 transmit to the State board an analysis of the State's report which shall include suggestions for improvements in the State's programs and any findings contained in program or fiscal audits conducted by the Office of Education or the Department of Health, Education, and Welfare within that State during the previous fiscal year, including the audits required to be conducted by section 104.

EVALUATIONS

Sec. 124. (a) Each State receiving funds under this title shall evaluate, during the three-year period of the State plan, the effectiveness of each program within the State being assisted with these funds. The results of these evaluations shall be used to revise the State's programs, and these results and revisions shall be included in the annual report required to be submitted by section 123. These reports shall also be made readily available to the State advisory council.

(b)(1) Each program within a State which purports to impart entry-level job skills shall be evaluated by using data collected, wherever possible, by statistically valid sampling techniques according to the extent to which program completers and leavers—

(A) find employment in occupations related to their training, and

(B) are considered by their employers to be well-trained and prepared for employment.

(2) Each such program shall also be evaluated according to the extent to which program completers and leavers—

(A) earn a wage commensurate with the wage customarily paid in the occupations related to their training at their level of experience,

(B) progress in occupations of their choice,

(C) are satisfied with their occupations,

(D) are satisfied with the training they received, or

(E) upgrade their skills through additional education or training.

(c) (1) The Commissioner shall prescribe nationally uniform criteria and procedures to be used by State and local educational agencies and other public agencies in performing these evaluations, but in no case can pursuit of additional education or training by program completers or leavers be considered negatively in these evaluations.

(2) Each State board shall consult with the State advisory council each year in formulating its plans to fulfill the requirements of this section. The State advisory council shall assist the State board in developing these plans each year, shall monitor the evaluations conducted by the State board during the year, and shall use the results of these evaluations in compiling its annual report required by section 105.

* * * * * * *

[PART C—RESEARCH AND TRAINING IN VOCATIONAL EDUCATION

[AUTHORIZATION OF GRANTS AND CONTRACTS

[SEC. 131. (a) From 50 per centum of the sums available to each State for the purposes of this part the Commissioner is authorized to make grants to and contracts with institutions of higher education public and private agencies and institutions, State boards, and, with the approval of the appropriate State board, to local educational agencies in tht Stte for the purposes set forth in section 132, except that no grant may be made other than to a nonprofit agency or institution.

[(b) The remaining 50 per centum of the sums available to each State for the purposes of this part shall be used by its State board, in accordance with its State plan, (1) for paying up to 75 per centum of the costs of the State research coordination unit, and (2) for grants to colleges and universities, and other public or nonprofit private agencies and institutions, and local educational agencies and contracts with private agencies, organizations, and institutions to pay 90 per centum of the costs of programs and projects for (i) research and training programs, (ii) experimental, developmental, or pilot programs developed by such institutions and agencies and designed to meet the special vocational needs of youths, particularly youths in economically depressed communities who have academic, socioeconomic, or other handicaps that prevent them from succeeding in the regular vocational education programs, and (iii) the dissemination of information derived from the foregoing programs of from research and demonstrations in the field of vocational education, which programs and projects have been recommended by the State research coordination unit or by the State advisory council.]

PART C—STATE VOCATIONAL EDUCATION PROGRAMS

AUTHORIZATION OF APPROPRIATIONS

SEC. 131. There are authorized to be appropriated $800,000,000 for the fiscal year ending September 30, 1978; $950,000,000 for the fis-

cal year ending September 30, 1979; $1,100,000,000 for the fiscal year ending September 30, 1980; $1,250,000,000 for the fiscal year ending September 30, 1981; and $1,450,000,000 for each succeeding fiscal year, for the purposes of carrying out State programs of vocational education as described in this part.

USES OF FEDERAL FUNDS

[SEC. 132. The funds available for grants and contracts under section 131(a) may be used for—

[(1) research in vocational education;

[(2) training programs designed to familiarize persons involved in vocational education with research findings and successful pilot and demonstration projects in vocational education;

[(3) experimental, developmental, and pilot programs and projects designed to test the effectiveness of research findings;

[(4) demonstration and dissemination projects;

[(5) the development of new vocational education curricula; and

[(6) projects in the development of new careers and occupations, such as—

[(A) research and experimental projects designed to identify new careers in such fields as mental and physical health, crime prevention and correction, welfare, education, municipal services, child care, and recreation requiring less training than professional positions and to delineate within such careers roles with the potential for advancement from one level to another;

[(B) training and development projects designed to demonstrate improved methods of securing the involvement, cooperation, and commitment of both the public and private sectors toward the end of achieving greater coordination and more effective implementation of programs for the employment of persons in the fields described in subparagraph (A), including programs to prepare professionals (including administrators) to work effectively with aides; and

[(C) projects to evaluate the operation of programs for the training, development, and utilization of public service aides, particularly their effectiveness in providing satisfactory work experiences and in meeting public needs.]

SEC. 132. (a) Grants to States under this part may be used in accordance with State plans approved pursuant to section 122, for the following purposes:

(1) vocational education programs for high school students, including such programs which are designed to prepare them for advanced or highly skilled postsecondary vocational and technical education;

(2) vocational education for persons who have completed or left high school and who are enrolled in organized programs of study for which credit is given toward an associate or other de-

gree, but which programs are not designed as a baccalaureate or higher degree programs;

(3) vocational education for persons who have already entered the labor market, who are unemployed, or who have completed or left high school, and who are not described in paragraph (2).

(4)(A) vocational education for disadvantaged persons as defined in section 107, including special programs carried out pursuant to section 133;

(B) vocational education for handicapped persons as defined in section 107;

(C) vocational education for students of limited English-speaking ability (as defined in section 703(a) of title VII of the Elementary and Secondary Education Act of 1965) carried out in coordination with bilingual education programs under such title VII and bilingual adult education programs under section 306(a)(11) of the Adult Education Act;

(5) construction of area vocational education school facilities;

(6) provision of vocational training through arrangements with private vocational training institutions where such private institutions can make a significant contribution to attaining the objectives of the State plan, and can provide substantially equivalent training at a lesser cost, or can provide equipment or services not available in public institutions;

(7) provision of supportive services as described in section 134;

(8) contracts leading to the improvement of programs as described in section 135;

(9) construction and operation of residential vocational schools as described in section 136;

(10) cooperative vocational education programs as described in section 137;

(11) work study programs as described in section 138;

(12) State review, revision, and development of curricular and instructional materials for vocational education programs in public elementary and secondary schools, in cases where the State selects such materials, in order to insure that such materials do not reflect stereotypes based on sex, race, or national origin; and

(13) vocational education for—

(A) persons who had solely been homemakers but who now, because of dissolution of marriage must seek employment;

(B) persons who are single heads of households and who lack adequate job skills;

(C) persons who are currently homemakers and part-time workers but who wish to secure a full-time job; and

(D) women who are now in jobs which have been traditionally considered jobs for females and who wish to seek employment in job areas which have not been traditionally considered job areas for females, and men who are now in jobs which have been traditionally considered jobs for males

and who wish to seek employment in job areas which have not been traditionally considered job areas for males.

(b)(1) At least 35 per centum of that portion of each State's allotment of funds appropriated under section 131 for any fiscal year beginning after June 30, 1969, which is in excess of its base allotment shall be used only for the purposes set forth in paragraphs (4)(A) and (11) of subsection (a) and for the provision of stipends as described in section 134(a)(2): Provided. That for any such fiscal year the amount used for such purpose shall not be less than 25 per centum of the total allotment of such funds for each State, except as any requirement under this paragraph may be waived for any State by the Commissioner for any fiscal year upon his finding that the requirement imposes a hardship or is impractical in its application.

(2) At least 25 per centum of that portion of each State's allotment of funds appropriated under section 131 for any fiscal year beginning June 30, 1969, which is in excess of its base allotment shall be used only for the purposes set forth in paragraph (2) and (3) of subsection (a): Provided, That for any such fiscal year the amount used for such purpose shall not be less than 15 per centum of the total allotment of such funds for each State, except as any requirement under this paragraph may be waived for any State by the Commissioner for any fiscal year upon his finding that the requirement imposes a hardship or is impractical in its application.

(3) At least 10 per centum of each State's allotment of funds appropriated under section 131 for any fiscal year beginnnig after June 30, 1969, shall be used only for the purpose set forth in paragraph 4(B) of subsection (a).

(4) As used in this subsection, the term base allotment means the sum of the allotments to a State for the fiscal year ending June 30, 1969, from (1) sums appropriated under section 131 of this Act, (2) the Smith-Hughes Act (that is, the Act approved February 23, 1917 (39 Stat. 929: 20 U.S.C. 11–15, 16–28)), (3) the Vocational Education Act of 1946, and (4) any of the supplementary vocational educational Acts (including, in the case of American Samoa, section 2 of the Act of September 25, 1962, 48 U.S.C. 1667).

(5) The funds which a State uses for the purposes set forth in subsections (a)(4) (A) (except for those funds used for special programs pursuant to section 133) and (B) shall be used, to the maximum extent possible, to assist individuals described in clauses (A) and (B) of such subsection (a)(4) to participate in regular vocational education programs.

[APPLICATIONS

[SEC. 133. (a) A grant or contract under section 131(a) may be made upon application to the Commissioner at such time or times, in such manner, and containing, or accompanied by, such information as the Commissioner deems necessary. Such application shall contain—

[(1) a description of the nature, duration, purpose, and plan of the project;

[(2) the qualifications of the principal staff who well be responsible for the project;

[(3) a justification of the amount of grant funds requested;

[(4) the portion of the cost to be borne by the applicant; and

[(5) such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant.

[(b) The Commissioner may not approve an application until such application has been reviewed by a panel of experts who are not employees of the Federal Government.]

[PAYMENTS

[SEC. 134. From the amount available for grants or contracts under section 131(a), the Commissioner shall pay to each applicant part of the amount expended by such applicant in accordance with the application approved pursuant to section 133.]

SPECIAL PROGRAMS FOR THE DISADVANTAGED

SEC. 133. Funds made available to each State from the appropriations under section 131 may be used for special programs for disadvantaged persons (as defined in section 107). Such special programs shall be initiated or maintained through grants—

(1) to local educational agencies and other public agencies in areas of high concentrations of unemployed youths and school dropouts; and

(2) (A) which provide that, to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which the program or project involved is to meet, such students are involved in the program or project, and

(B) which provide for effective policies and procedures to assure that Federal funds made available under section 131 will not be commingled with State or local funds.

SUPPORTIVE SERVICES

SEC 134. (a) Funds available for the States under section 131 shall be used for vocational guidance and counseling programs, services, and activities and may be used for providing other services (as described in the next sentence) which are supportive of the basic vocational education programs operated within the State. All on the supportive services described in this section are—

(1) vocational guidance and counseling programs, services, and activities, including training of new counselors, retraining of present counselors, paying the salaries of counselors, and the development of related materials, so that persons within the State can be made aware of, and can be assisted in choosing, appropriate educational and training opportunities;

(2) providing, subject to the restriction contained in subsection (b), stipends, which shall not exceed reasonable amounts as prescribed by the Commissioner pursuant to regulations, for students entering or already enrolled in vocational education programs if those students have acute economic needs which cannot be met under work-study programs;

(3) subject to the restriction contained in subsection (b), placement services for students who have successfully completed voca-

tional education programs in local educational agencies and in other public agencies operating vocational education programs;

(4) programs of preservice and inservice education, provided either directly or through contracts with educational institutions, for teachers, cooperative education coordinators, work-study supervisors, counselors, administrators of vocational education, and teacher educators, including short-term and regular session institutes, and cooperative exchanges of teachers and state staff members with skilled technicians or supervisors in industry;

(5) industrial arts programs where such programs will assist in meeting the purposes of this title; and

(6) State administration and local supervision of the programs authorized under this title;

(7) support services for women who enter programs designed to prepare individuals for employment in jobs which have been traditionally limited to men, including counseling as to the nature of such programs and the difficulties which may be encountered by women in such programs, and job development and job follow-up services; and

(8) day care services for children of students in secondary and postsecondary vocational education programs.

(b) No funds shall be used for the purposes specified in paragraph (2) or (3) of subsection (a) unless the State board first makes a specific finding in each instance of funding that the funding of this particular activity is necessary due to inadequate funding in other programs providing similar activities or due to the fact that other services in the area are inadequate to meet the needs.

PROGRAM IMPROVEMENT

SEC. 135. (a) Funds available to the States under section 131 may be used for support of State research coordinating units and for contracts by those units pursuant to comprehensive plans of program improvement involving—

(1) applied research and development in vocational education;

(2) exemplary and innovative projects in vocational education, including projects to overcome problems of sex bias and sex stereotyping;

(3) improved curriculum materials for presently funded programs in vocational education and new curriculum materials for new and emerging job fields, including a review and revision of any curricula developed under this section to insure that such curricula do not reflect stereotypes based on sex, race, or national origin; and

(4) dissemination of the results of the contracts made pursuant to paragraphs (1) through (4), including employment of persons to act as disseminators on a local level of these results.

(b) No contract shall be made pursuant to subsection (a) unless the applicant can demonstrate a reasonable probability that the contract will result in improved teaching techniques or curriculum materials that will be used in a substantial number of classrooms or other learning situations within five years after the termination date of such contract.

(c) Every contract made by a State for the purpose of funding exemplary and innovative projects shall, to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which the project involved is to meet, provide for the participation of such students; and such contract shall also provide that the Federal funds will not be commingled with State or local funds.

RESIDENTIAL VOCATIONAL SCHOOLS

Sec. 136. (a) Funds available to the States under section 131 may be used for the construction, equipment, and operation of residential schools to provide vocational education (including room, board, and other necessities) for youths, at least fifteen years of age and less than twenty-one years of age at the time of enrollment, who need full-time study on a residential basis in order to benefit fully from such education. In using funds available under section 131 for this purpose, the States shall give special consideration to the needs of large urban areas and isolated rural areas having substantial numbers of youths who have dropped out of school or who are unemployed.

(b) No funds made available under section 131 may be used for the purposes of this section for residential vocational schools to which juveniles are assigned as the result of their delinquenet conduct or in which the students are segregated because of race.

COOPERATIVE VOCATIONAL EDUCATION PROGRAMS

Sec. 137. Funds available to the States under section 131 may be used for establishing or expanding cooperative vocational education programs through local educational agencies with the participation of public and private employers. Such programs shall include provisions assuring that—

(a) funds will be used only for developing and operating cooperative vocational programs as defined in section 107 which provide training opportunities that may not otherwise be available and which are designed to serve persons who can benefit from such programs;

(b) necessary procedures are established for cooperation with employment agencies, labor groups, employers, and other community agencies in identifying suitable jobs for persons who enroll in cooperative vocational education programs;

(c) provision is made, where necessary, for reimbursement of added costs to employers for on-the-job training of students enrolled in cooperative programs, provided such on-the-job training is related to existing career opportunities susceptible of promotion and advancement and which do not displace other workers who perform such work;

(d) ancillary services and activities to assure quality in cooperative vocational education programs are provided for, such as preservice and inservice training for teacher coordinators, supervision, curriculum materials, travel of students and coordinators necessary to the success of such programs, and evaluation;

(e) priority for funding cooperative vocational education pro-

grams through local educational agencies, is given to areas that have high rates of school dropouts and youth unemployment;

(f) to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served, whose educational needs are of the type which the programs or project involved is to meet, provision has been made for the participation of such students;

(g) Federal funds used for the purposes of this section will not be commingled with State or local funds: and

(h) such accounting, evaluation, and followup procedures as the Commissioner deems necessary will be provided.

WORK-STUDY PROGRAMS

SEC. 138. (a) Funds available to the States under section 131 may be used for grants to local educational agencies for work-study programs which—

(1) are administered by the local educational agencies and are made reasonably available (to the extent of available funds) to all youths in the area served by such agency who are able to meet the requirements of paragraph (2);

(2) provide that employment under such work-study programs shall be furnished only to a student who (A) has been accepted for enrollment as a full-time student in a vocational education program which meets the standards prescribed by the State board and the local educational agency for vocational education programs assisted under this title, or in the case of a student already enrolled in such a program, is in good standing and in full-time attendance, (B) is in need of the earnings from such employment to commence or continue his or her vocational education program, and (C) is at least fifteen years of age and less than twenty-one years of age at the commencement of his or her employment, and is capable, in the opinion of the appropriate school authorities of maintaining good standing in his or her vocational education program while employed under the work-study program;

(3) provide that, pursuant to regulations of the Commissioner, no student shall be employed under such work-study program for more than a reasonable number of hours in any week in which classes in which he or she is enrolled are in session, or for compensation which exceeds payments under comparable Federal programs, unless the student is attending a school that is not within a reasonable commuting distance from his or her home, then the compensation may be set by the Commissioner at a higher level;

(4) provide that employment under such work-study program shall be for the local educational agency or for some other public or nonprofit private agency or institution; and

(5) provide that, in each fiscal year during which such program remains in effect, such agency shall expend (from sources other than payments from Federal funds under this section) for the employment of its students (whether or not in employment eligible for assistance under this section) an amount that is not less than its average annual expenditure for work-study programs of a similar character during the three fiscal years preceding the fiscal

year in which its work-study program under this section is approved.

(b) Each State in operating work-study programs from funds made available under section 131 shall—

(1) adopt policies and procedures which assure that Federal funds used for this purpose will be expended solely for the payment or compensation of students employed pursuant to the work-study programs meeting the requirements of subsection (a); and

(2) set forth principles for determining the priority to be accorded applications from local educational agencies for work-study programs, which principles shall give preference to applications submitted by local educational agencies serving communities having substantial numbers of youths who have dropped out of school or who are unemployed, and provide for undertaking such programs, insofar as financial resources available therefore make possible, in the order determined by the application of such principles.

(c) Students employed in work-study programs assisted pursuant to this section shall not by reason of such employment be deemed employees of the United States, or their service Federal service, for any reason.

PAYMENTS

SEC. 139. After making a determination that a State has complied with the provisions of this title, including the submission of the State plan and the annual accountability reports, and including the conducting of the evaluations required by this title, the Commission shall pay, from the amount available to the States for grants under this part, to each State an amount equal to 50 per centum of the State and local expenditures in carrying out its State plan as approved pursuant to section 122, except that—

(a) in the case of payments to the States for the purposes of sections 133, 135(a)(2), and 137, such amount may be equal to all or part of the State and local expenditures for such purposes;

(b) in the case of payments to the States for the purposes authorized by section 132(a)(4) (A) (except for special programs described in section 133) and (B), such amount shall be equal to 50 per centum of the State and local expenditures for each such purpose;

(c) in the case of payments to the States for the purpose of section 134(a)(6), such amount shall be equal to 75 per centum of State expenditures for such purpose for fiscal year 1978 and equal to 50 per centum of State expenditures for such purpose for each succeeding fiscal year; and

(d) in the case of the Trust Territory of the Pacific Islands and American Samoa, such amount shall be equal to 100 per centum of such expenditures.

[PART D—EXEMPLARY PROGRAMS AND PROJECTS

[FINDINGS AND PURPOSE

[SEC. 141. The Congress finds that it is necessary to reduce the continuing seriously high level of youth unemployment by developing means for giving the same kind of attention as is now given to the college preparation needs of those young persons who go on to college, to the job preparation needs of the two out of three young persons who end their education at or before completion of the secondary level, too many of whom face long and bitter months of job hunting or marginal work after leaving school. The purposes of this part, therefore, are to stimulate, through Federal financial suport, new ways to create a bridge between school and earning a living for young people, who are still in school, who have left school either by graduation or by dropping out, or who are in postsecondary programs of vocational preparation, and to promote cooperation between public education and manpower agencies.]

"Part D—Homemaking Education for Consumer Education, Family Resource Management, and Life Skills

"Sec. 141. (a) There are authorized to be appropriated $60,000,000 for the fiscal year ending September 30, 1978, $70,000,000 for the fiscal year ending September 30, 1979, $80,000,000 for the fiscal year ending September 30, 1980, and $90,000,000 for the fiscal year ending September 30, 1981, for the purposes of this part.

"(b) For purposes of this part the State plan approved under section 122 shall set forth a program for home economics in consumer education, family resource management, and life skills under which Federal funds paid to a State from its allotment under subsection (a) will be expended solely for (1) educational programs (to be available at the elementary, secondary, post-secondary, and adult educational levels) which (A) encourage participation of both male and female students and which are designed to emphasize the joint responsibilities of men and women as wage earners and family members, and to that purpose involve (i) the examination of programs funded under this part (including elements such as recruitment and guidance counseling) for the purpose of eliminating sex bias therein and (ii) the development of special curriculum materials which deal with (I) increased numbers of women working outside the home, and the assuming by men of increased homemaking responsibilities and with changing career patterns for women, and (II) with appropriate Federal and State law relating to equal opportunity in education and employment, (B) encourage consumer education, family resource management, and life skills courses to give greater consideration to social and cultural conditions, especially in economically depressed areas, and such courses may include, where appropriate, bilingual instruction, (C) may include, but are not limited to, such areas as consumer education, food and nutrition, child development, parenting, care of the aging, interpersonal relationships within the family, problems relating to the dissolution of marriage, financial, managerial, and economic analyses of tasks performed in running a home, and (D) provide for outreach programs to link school-based programs under this section with community institutions and groups providing support to youth and adults, including programs for the aging, child care programs, programs connected with health care delivery systems, food and nutrition programs, programs for rehabilitation of the handicapped, and programs providing services for courts and correctional

institutions, and (E) are designed for persons who have entered, or are preparing to enter, the work of the home, and (2) ancilliary services, activities and other means of assuring quality in all homemaking education programs, such as teacher training and supervision, curriculum development research, program evaluation, special demonstration and experimental programs, development of instructional materials, provision of equipment, and State administration and leadership.

(c) From a State's allotment determined under section 102 for any fiscal year from the funds appropriated pursuant to subsection (a), the Commissioner shall pay to such State an amount equal to 50 per centum of the amount expended for the purposes set forth in subsection (b), except that the Commissioner shall pay an amount equal to 90 per centum of the amount used in areas described in subsection (d).

(d) At least one-third of the Federal funds made available under this section to each State shall be used in economically depressed areas or areas with high rates of unemployment for programs designed to assist consumers and to help improve home environments and the quality of family life.

(e) From the sums appropriated for the purpose of carrying out this part the Commissioner shall reserve an amount equal to 25 per for fiscal year 1976 for part F (as such part was in effect prior to October 1, 1977) for grants and contracts to carry out field-initiated research, training, demonstration, and exemplary projects which are designed to improve programs pursuant to the authority under this part.

[Part E—Residential Vocational Education

[DEMONSTRATION SCHOOLS

[Sec. 151. (a) For the purpose of demonstrating the feasibility and desirability of residential vocational education schools for certain youths of high school age, the Commissioner is authorized to make grants, out of sums appropriated pursuant to subsection (b) to State boards, to colleges and universities, and with the approval of the appropriate State board, to public educational agencies, organizations or institutions for the construction, equipment, and operation of residential schools to provide vocational education (including room, board, and other necessities) for youths, at least fifteen years of age and less than twenty-one years of age at the time of enrollment, who need full-time study on a residential basis in order to benefit fully from such education. In making such grants, the Commissioner shall give special consideration to the needs of large urban areas having substantial numbers of youths who have dropped out of school or are unemployed and shall seek to attain, as nearly as practicable in the light of the purposes of this section, an equitable geographical distribution of such schools.

[(b) There are authorized to be appropriated for the purpose of this section $25,000,000 for the fiscal year ending June 30, 1969, $30,000,000 for the fiscal year ending June 30, 1970, and $35,000,000 each for the fiscal year ending June 30, 1971, and for each of the succeeding fiscal years ending prior to July 1, 1975.

[STATE PROGRAMS

[SEC. 152. (a)(1) There are hereby authorized to be appropriated $15,000,000 for the fiscal year ending June 30, 1969, and for each of the succeeding fiscal years ending prior to July 1, 1975, for grants to the States to provide residential vocational education facilities in accordance with the provisions of this section.

[(2) From the sums appropriated under paragraph (1), the Commissioner shall allot to each State an amount which bears the same ratio to such sums as the population of each State bears to the population of all the States.

[(3) For purposes of this section—

[(A) the term "State" does not include Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands;

[(B) the amount allotted under this subsection to any State for the fiscal year ending June 30, 1969, shall be available for payments to applicants with approved applications in that State during that year and the next fiscal year; and

[(C) the amount of any State's allotment under subsection (a)(2) for any fiscal year, which the Commissioner determines will not be required for such fiscal year for carrying out the State's plan approved under subsection (b), shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, and on the basis of such factors as he determines to be equitable and reasonable, to other States which as determined by the Commissioner are able to use without delay any amounts so reallotted for the purposes set forth in subsection (b). Any amount reallotted to a State under this paragraph during such year shall be deemed part of its allotment for such year.

[(b)(1) Funds allotted to the States under subsection (a) shall be used by the States, or, with the approval of the State boards, by public educational agencies, organizations, or institutions within such State, to pay the Federal share of the cost of planning, constructing, and operating residential vocational education facilities to provide vocational education (including room, board, and other necessities) for youths, at least age fourteen but who have not attained age twenty-one at the time of admission to the training program, who need full-time study on a residential basis and who can profit from vocational education instruction. In the administration of the program conducted under this section, special consideration shall be given to needs in geographical areas having substantial or disproportionate numbers of youths who have dropped out of school or are unemployed, and to serving persons from such areas.

[(2) For purposes of this section, the Federal share of the cost of planning, constructing, and operating residential vocational education facilities shall not exceed 90 per centum of the costs incurred in any fiscal year.

[(c) For purposes of this section the State plan approved under section 123 shall set forth the policies and procedures to be used by the State in determining the size and location of such residential vocational facilities, taking into account the use of existing vocational education facilities. Such policies and procedures must give assurance that—

[(1) adequate provision will be made for the appropriate selection without regard to sex, race, color, religion, national origin or place of residence within the State of students needing education and training at such schools;

[(2) the residential school facility will be operated and maintained for the purpose of conducting a residential vocational education school program;

[(3) vocational course offerings at such school will include fields for which available labor market analyses indicate a present or continuing need for trained manpower, and that the courses offered will be appropriately designed to prepare enrollees for entry into employment or advancement in such fields; and

[(4) no fees, tuition, or other charges will be required of students who occupy the residential vocational education facility.

[(d) For purposes of this section—

[(1) the term "residential school facility" means a school facility (as defined in section 108(3)), used for residential vocational education purposes. Such term also includes dormitory, cafeteria, and recreational facilities, and such other facilities as the Commissioner determines are appropriate for a residential vocational education school.

[(2) the term "operation" means maintenance and operation, and includes the cost of salaries, equipment, supplies, and materials, and may include but is not limited to other reasonable costs of services and supplies needed by residential students, such as clothing and transportation.

[GRANTS TO REDUCE BORROWING COSTS FOR SCHOOLS AND DORMITORIES

[SEC. 153. (a) The Commissioner is authorized to make annual grants to State boards, to colleges and universities, and with the approval of the appropriate State board, to public educational agencies, organizations, or institutions to reduce the cost of borrowing funds for the construction of residential schools and dormitories to provide vocational education for youths, at least fourteen years of age and less than twenty-one years of age at the time of enrollment, who need full-time study on a residential basis in order to benefit fully from such education. In making contracts for such grants, the Commissioner shall give special consideration to the needs of urban and rural areas having substantial numbers of youths who have dropped out of school or are unemployed and shall seek to attain an equitable geographical distribution of such schools.

[(b) Annual grants with respect to the construction of any such residential school shall be made over a fixed period not exceeding forty years, and provision for such grants shall be embodied in a contract guaranteeing their payment over such period. Each such grant shall be in an amount equal to the difference between (1) the average annual debt service required to be paid, during the life of the loan, on the amount borrowed for the construction of such facilities, and (2) the average annual debt service which the institution would be required to pay, during the life of the loan, with respect to such amounts if the applicable interest rate were 3 per centum per annum.

[(c) The Commissioner shall not enter into a contract for grants under this section unless he determines that the amount borrowed does not exceed the total cost of construction of the facilities, and that such construction will be undertaken in an economical manner and will not be of elaborate or extravagant design or materials.

[(d)(1) There are hereby authorized to be appropriated such sums as may be necessary for the payment of annual grants in accordance with this section.

[(2) Contracts for annual grants under this section shall not be entered into for an aggregate amount greater than is authorized in appropriation Acts; and in any event the total amount of annual grants which may be paid in any year pursuant to contracts entered into under this section shall not exceed $5,000,000, which amount shall be increased by $5,000,000 on July 1, 1970, and on July 1 of each of the four succeeding fiscal years.]

PART E—PROGRAMS OF NATIONAL SIGNIFICANCE

PROGRAM IMPROVEMENT

SEC. 151 (a) Funds reserved to the Commissioner under section 102 (a)(1) for programs under this part shall be used for contracts for—

(1)(A) applied research and deevlopment projects, (B) exemplary and innovative program projects, (C) curriculum development projects, and (D) the dissemination of the results of these projects, if the funding of each of these projects described in (A), (B), (C), and (D) is deemed to be of national significance by the Commissioner; and

(2) support, not in excess of $5,000,000 for any fiscal year, of a national center for research in vocational education, chosen on a competitive basis once every five years, which center shall be a nonprofit agency, shall be assisted by an advisory committee appointed by the Commissioner, and shall, either directly or through contracts with regional vocational education research centers and other public agencies—

(A) conduct applied research and development on problems of national significance in vocational education;

(B) provide leadership development through an advanced study center and inservice education activities for State and local leaders in vocational education;

(C) disseminate the results of the research and development projects funded by the center;

(D) develop and provide information to facilitate national planning and policy development in vocational education;

(E)(i) act as a clearinghouse for information on contracts made by the States pursuant to section 135 and on contracts made by the Commissioner pursuant to this section; and (ii) compile an annotated bibliography of research, exemplary and innovative program projects, and curriculum development projects assisted with funds made available under this title since July 1, 1970; and

(F) work with States, local educational agencies, and other public agencies in developing methods of evaluating pro-

grams, including the follow-up studies of program completers and leavers required by section 124(b), so that these agencies can offer job training programs which are more closely related to the types of jobs available in their communities, regions, and States.

(b)(1) No contract shall be made pursuant to paragraph (1) of subsection (a) unless the applicant can demonstrate a reasonable probability that the contract will result in improved teaching techniques or curriculum materials that will be used in a substantial number of classrooms or other learning situations within five years after the termination date of such contract.

(2) Every contract made by the Commissioner for the purpose of funding exemplary and innovative projects pursuant to paragraph (1) of subsection (a) shall, to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served whose educational needs are of the type which the project involved is to meet, provide for the participation of such students; and such contract shall also provide that the Federal funds will not be commingled with State or local funds.

(3) The Commissioner shall, from the funds made available to him or her under this section, make contracts to convert to use in local educational agencies, in private nonprofit schools, and in other public agencies, curriculum materials involving job preparation which have been prepared for use by the armed services of the United States.

(4) There is hereby established a Coordinating Committee on Research in Vocational Education within the Education Division of the Department of Health, Education, and Welfare which shall be composed of the Director of the National Institute of Education, the Commissioner, and the Director of the Foundation for the Improvement of Postsecondary Education, or their representatives. This Committee shall—

(A) develop a plan for each fiscal year (i) establishing national priorities for the use of funds available to these agencies for vocational education research, development, exemplary and innovative program projects, and curriculum development projects; and (ii) coordinating the efforts of these agencies in seeking to achieve these national priorities in order to avoid duplication of effort; and

(B) develop an effective management information system on the projects funded pursuant to this plan in order to achieve the best possible monitoring and evaluation of these projects and the widest possible dissemination of their results.

(5)(A) From the sums reserved to the Commissioner under section 102(a)(1) for this part, the Commissioner may pay all or part of the costs of contracts authorized by this section.

(B) Funds reserved for contracts under this section shall be available for expenditure until expended, unless a law is enacted in specific restriction of this subsection; and these funds may be used for contracts for a period not to exceed three fiscal years.

TRAINING AND DEVELOPMENT PROGRAMS FOR VOCATIONAL EDUCATION PERSONNEL

SEC. 152. (a) It is the purpose of this section to provide (1) opportunities for experienced vocational educators to spend full time in ad-

vanced study of vocational education for a period not to exceed three years in length, and (2) opportunities for certified teachers who have been trained to teach in other fields to become vocational educators, if those teachers have skills and experience in vocational fields for which they can be trained to be vocational educators, and (3) opportunities for persons in industry who have skills and experience in vocational fields for which there is a need for vocational educators, but who do not necessarily have baccalaureate degrees.

(b)(1) In order to meet the needs in all States for qualified vocational education personnel (such as administrators, supervisors, teacher educators, researchers, guidance and counseling personnel, and instructors in vocational education programs) the Commissioner shall make available leadership development awards in accordance with the provisions of this subsection only upon his or her determination that—

(A) persons selected for awards have had not less than two years of experience in vocational education or in industrial training, or military technical training; or, in the case of researchers, experience in social science research which is applicable to vocational education;

(B) persons receiving such awards are currently employed or are reasonably assured of employment in vocational education and have successfully completed, as a minimum, a baccalaureate degree program; and

(C) persons selected are recommended by their employer, or others, as having leadership potential in the field of vocational education and are eligible for admission as a graduate student to a program of higher education approved by the Commissioner under subsection (d).

(2)(A) The Commissioner shall, for a period not to exceed three years, pay to persons selected for leadership development awards such stipends (including such allowances for subsistence and other expenses for such persons and their dependents) as he or she may determine to be consistent with prevailing practices under comparable federally supported programs.

(B) The Commissioner shall, in addition to the stipends paid to persons under subparagraph (A), pay to the institution of higher education at which such person is pursuing his course of study such amount as the Commissioner may determine to be consistent with the prevailing practices under comparable federally supported programs not to exceed the equivalent of $4,500 per person per academic year or its equivalent, and $1,000 per person per summer session or its equivalent, but any amount charged such person for tuition and nonrefundable fees and deposits shall be deducted from the amount payable to the institution of higher education under this subsection. Any funds from grants received under this paragraph which remain after deducting normal tuition fees, and deposits attributable to such students, shall be used by the institution receiving such funds for the purpose of improving the program of vocational education offered by that institution.

(3) The Commissioner shall approve the vocational education leadership development program of an institution of higher education only upon finding that—

(A) the institution offers a comprehensive program in vocational education with adequate supporting services and disciplines such as education administration, guidance and counseling research, and curriculum development;

(B) such program is designed to further substantially the objective of improving vocational education through providing opportunities for graduate training and vocational education teachers, supervisors, and administrators, and of university level vocational education teacher educators and researchers; and

(C) such programs are conducted by a school of graduate study in the institution of higher education.

(4) In order to meet the needs for qualified vocational education personnel such as teachers, administrators, supervisors, and teacher educators, in vocational education programs in all the States, the Commissioner in carrying out this section shall apportion leadership development awards equitably among the States, taking into account such factors as the State's vocational education enrollments, and the incidence of youth unemployment and school dropouts in the State.

(5) Persons receiving leadership awards under the provisions of this subsection shall continue to receive the payments provided in paragraph (3) only during such periods as the Commissioner finds that they are maintaining satisfactory proficiency in, and devoting essentially full time to, study or research in the field of vocational education in an institution of higher education, and are not engaging in gainful employment, other than part-time employment by such institution in teaching, research, or similar activities, approved by the Commissioner.

(6) From the funds reserved to the Commissioner pursuant to section 102(a)(1) for this part, the Commissioner shall make awards meeting the requirements of paragraphs (1) through (5) of this subsection.

(7) In approving training and development programs for vocational education personnel, the Commissioner shall give special consideration to programs which are designed to familiarize teachers with new curricular materials in vocational education.

(8) For purposes of this subsection, the term "institution of higher education" means any such institution as defined under section 1201 (a) of the Higher Education Act of 1965.

(c)(1) In order to meet the need to provide adequate numbers of teachers and related classroom instructors in vocational education and in order to take full advantage of the education which has been provided to already certified teachers who are unable to find employment in their field of training and of individuals employed in industry who have skills and experience in vocational fields, the Commissioner shall make available fellowships in accordance with the provisions of this subsection to such individuals upon his or her determination that—

(A) individuals selected for such fellowships are presently certified, or had been so certified within the last ten years, by a State as teachers in elementary and secondary schools or in community and junior colleges, and have past or current skills and experience in vocational fields for which they can be trained to be vocational educators; or

(B) individuals selected for such fellowships are individuals employed in industry (who need not be baccalaureate degree holders) who have skills and experience in vocational fields for which there is a need for vocational educators; and that individuals receiving such awards have been accepted by a teacher training institution in a program to assist those persons in gaining the skills to become a vocational educator.

(2)(A) The Commissioner shall, for a period not to exceed two years, pay to persons selected for fellowships under this subsection stipends (including such allowances for subsistence and other expenses for such person and their dependents) as he or she may determine to be consistent with prevailing practices under comparable federally supported programs.

(B) The Commissioner shall, in addition to the stipends paid to persons under paragraph (1), pay to the institution of higher education at which such person is pursuing his or her course of study such amount as the Commissioner may determine to be consistent with the prevailing practices under comparable federally supported programs not to exceed the equivalent of $4,500 per person per academic year or its equivalent, and $1,000 per person per summer session or its equivalent, but any amount charged such person for tuition and nonrefundable fees and deposits shall be deducted from the amount payable to the institution of higher education under this subsection. Any funds from grants received under this paragraph which remain after deducting normal tuition fees, and deposits attributable to such students, shall be used by the institution receiving such funds for the purpose of improving the program of vocational education offered by that institution.

(3) The Commissioner shall approve the program at an institution of higher education which has as its purpose assisting certified teachers in becoming vocational education teachers only upon finding that—

(A) the institution offers a comprehensive program in vocational education with adequate supporting services and disciplines such as education administration, guidance and counseling research, and curriculum development; and

(B) such program is available to persons receiving these fellowships so that they can receive the same type of education and training being offered in the institution for undergraduate students who are preparing to become vocational education teachers.

(4) In order to meet the needs for qualified vocational education teachers in vocational education programs in all the States, the Commissioner in carrying out this subsection shall apportion fellowships equitably among the States, taking into account such factors as the State's vocational education enrollments, and the incidence of youth unemployment and school dropouts in the State.

(5) Persons receiving fellowships under the provisions of this subsection shall continue to receive the payments provided in paragraph (2) only during such periods as the Commissioner finds that they are maintaining satisfactory proficiency in, and devoting essentially full time to, study or research in the field of vocational education in an institution of higher education, and are not engaging in gainful employment, other than part-time employment by such institution in teaching, research, or similar activities, approved by the Commissioner.

(6) From the funds reserved to the Commissioner pursuant to section 102(a)(1) for this part, the Commissioner shall make awards meeting the requirements of paragraphs (1) through (5) of this subsection.

(7) In carrying out this subsection, the Commissioner shall, before the beginning of each fiscal year, publish a listing of the areas of teaching in vocational education which are presently in need of additional personnel and of the areas which will have need of additional personnel in the future; and the Commissioner shall, in making the fellowships under the authority of this subsection, grant these fellowships to the maximum degree possible, to persons who are seeking to become teachers in the areas identified by the Commissioner as needing additional teachers.

[PART F—CONSUMER AND HOMEMAKING EDUCATION

[AUTHORIZATION

[SEC. 161. (a)(1) There are hereby authorized to be appropriated for the fiscal year ending June 30, 1970, $25,000,000, for the fiscal year ending June 30, 1971, $35,000,000 and for each of the succeeding fiscal years ending prior to July 1, 1975, $50,000,000, for the purposes of this part. From the sums appropriated pursuant to this paragraph for each fiscal year, the Commissioner shall allot to each State an amount which shall be computed in the same manner as allotments to States under section 103 except that, for the purposes of this section, there shall be no reservation of 10 per centum of such sums for research and training programs and 100 per centum of the amount appropriated pursuant to this section shall be allotted among the States.

[(2) The amount of any State's allotment under paragraph (1) for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the part of the State's plan approved under subsection (b) shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, and on the basis of such factors as he determines to be equitable and reasonable, to other States which, as determined by the Commissioner, are able to use without delay any amounts so reallotted for the purposes set forth in subsection (b). Any amounts reallotted to a State under this paragraph during such year shall be deemed part of its allotment for such year.

[(b) For purposes of this part the State plan approved under section 123 shall set forth a program under which Federal funds paid to a State from its allotment under subsection (a) will be expended solely for (1) educational programs which (A) encourage home economics to give greater consideration to social and cultural conditions and needs, especially in economically depressed areas, (B) encourage preparation for professional leadership, (C) are designed to prepare youths and adults for the role of homemaker, or to contribute to the employability of such youths and adults in the dual role of homemaker and wage earner, (D) include consumer education programs including promotion of nutritional knowledge and food use and the understanding of the economic aspects of food use and purchase, and (E) are designed for persons who have entered, or are preparing to enter, the work of the home, and (2) ancillary services, activities and other means of assuring quality in all homemaking education programs, such as teacher training and supervision, curriculum development research, program evaluation, special demonstration and experimental programs, development of instructional materials, provision of equipment, and State administration and leadership.

[(c) From a State's allotment under this section for the fiscal year ending June 30, 1970, and for each fiscal year thereafter, the Commissioner shall pay to such State an amount equal to 50 per centum of the amount expended for the purposes set forth in subsection (b), except that, for the fiscal year ending June 30, 1970, and the five succeeding fiscal years, the Commissioner shall pay an amount equal to 90 per centum of the amount used in areas described in subsection (d). No State shall receive payments under this section for any fiscal year in excess of its allotment under subsection (a) for such fiscal year.

[(d)(*1*) At least one-third of the Federal funds made available under this section shall be used in economically depressed areas or areas with high rates of unemployment for programs designed to assist consumers and to help improve home environments and the quality of family life.

[(2) From funds made available under this section, special consideration shall be given to special consumer and homemaking programs for persons aged sixty or older who are in need of services provided by such programs, as determined by the Commissioner. Such programs shall be designed to assist such persons to live independently in their own homes and to alleviate the adverse effects of loneliness and iolation.]

[PART G—COOPERATIVE VOCATIONAL EDUCATION PROGRAMS

[FINDINGS AND PURPOSE

[SEC. 171. The Congress finds that cooperative work-study programs offer many advantages in preparing young people for employment. Through such programs, a meaningful work experience is combined with formal education enabling students to acquire knowledge, skills, and appropriate attitudes. Such programs remove the artificial barriers which separate work and education and, by involving educators with employers, create interaction whereby the needs and problems of both are made known. Such interaction makes it possible for occupational curricula to be revised to reflect current needs in various occupations. It is the purpose of this part to assist the State to expand cooperative work-study programs by providing financial assistance for personnel to coordinate such programs, and to provide instruction related to the work experience; to reimburse employers when necessary for certain added costs incurred in providing on-the-job training through work experience; and to pay costs for certain services, such as transportation of students or other unusual costs that the individual students may not reasonably be expected to assume while pursuing a cooperative work-study program.]

[AUTHORIZATIONS AND ALLOTMENTS

[SEC. 172. (a) There is authorized to be appropriated for the fiscal year ending June 30, 1969, $20,000,000, for the fiscal year ending

June 30, 1970, $35,000,000, for the fiscal year ending June 30, 1971, $50,000,000, and for each of the succeeding fiscal years ending prior to July 1, 1975, $75,000,000, for making grants to the States for programs of vocational education designed to prepare students for employment through cooperative work-study arrangements.

[(b)(1) From the sums appropriated pursuant to this section for each fiscal year, the Commissioner shall reserve such amount, but not in excess of 3 percentum thereof, as he may determine, and shall apportion such amount among Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Trust Territory of the Pacific Islands according to their respective needs for assistance under this section. From the remainder of such sums the Commissioner shall allocate $200,000 to each State, and he shall in addition allocate to each State an amount which bears the same ratio to any residue of such remainder as the population aged fifteen to nineteen, both inclusive, in the State bears to the population of such ages in all States. For purposes of the preceding sentence, the term "State" does not include the areas rereferred to in the first sentence of this paragraph.

[(2) The amount of any State's allotment under this section for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the part of the State's plan approved under section 173 shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, and on the basis of such factors as he determines to be equitable and reasonable, to other States which as determined by the Commissioner are able to use without delay any accounts so reallotted for the purposes set forth in section 173. Any amount reallotted to a State under this paragraph during such year shall be deemed part of its allotment for such year.

[(3) The population of particular age groups of a State or of all the States shall be determined by the Commissioner on the basis of the latest available estimates furnished by the Department of Commerce.]

[PLAN REQUIREMENT

[SEC. 173. (a) A State, in order to participate in the program authorized by this part, shall submit, as part of its State plan, to the Commissioner, through its State board, a plan which shall set forth policies and procedures to be used by the State board in establishing cooperative work-study programs through local educational agencies with participation of public and private employers. Such policies and procedures must give assurance that—

[(1) funds will be used only for developing and operating cooperative work-study programs as defined in section 175 which provide training opportunities that may not otherwise be available and which are designed to serve persons who can benefit from such programs;

[(2) necessary procedures are established for cooperation with employment agencies, labor groups, employers, and other community agencies in identifying suitable jobs for persons who enroll in cooperative work-study programs;

[(3) provision is made for reimbursement of added costs to employers for on-the-job training of students enrolled in cooperative programs, provided such on-the-job training is related to existing carrier opportunities susceptible of promotion and advancement and does not displace other workers who perform such work;

[(4) ancillary services and activities to assure quality in cooperative work-study programs are provided for, such as preservice and inservice training for teacher coordinates, supervision, curriculum materials, and evaluation;

[(5) priority for funding cooperative work-study programs through local educational agencies, is given to areas that have high rates of school dropouts and youth unemployment;

[(6) to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served, whose educational needs are of the type which the program or project involved is to meet, provision has been made for the participation of such students;

[(7) Federal funds made available under this part will not be commingled with State or local funds; and

[(8) such accounting, evaluation, and follow-up procedures as the Commissioner deems necessary will be provided.

[(b) The Commissioner shall approve such part of its State plan which fulfills the conditions specified above, and the provisions of part B (relating to the disapproval of State plans) shall apply to this section.]

[USE OF FUNDS

[SEC. 174. Funds allocated under this part for cooperative work-study programs shall be available for paying all or part of the State's expenditures under its State plan for this part for any fiscal year, but not in excess of its allotment under section 172.

[DEFINITION

[SEC. 175. For purposes of this part, the term "cooperative work-study program" means a program of vocational education for persons who, through a cooperative arrangement between the school and employers, receive instruction, including required academic courses and related vocational instruction by alternation of study in school with a job in any occupational field, but these two experiences must be planned and supervised by the school and employers so that each contributes to the student's education and to his employability. Work periods and school attendance may be on alternate half-days, full-days, weeks, or other periods of time in fulfilling the cooperative work-study program.]

[PART II—WORK-STUDY PROGRAMS FOR VOCATIONAL EDUCATION STUDENTS

[AUTHORIZATION OF APPROPRIATIONS AND ALLOTMENT

[SEC. 181. (a) There are hereby authorized to be appropriated $35,000,000 for each of the fiscal years ending June 30, 1969 and June 30, 1970, $45,000,000 for the fiscal year ending June 30, 1972, and for each of the succeeding fiscal years ending prior to July 1, 1975, the purposes of this part.

[(b)(1) From the sums appropriated pursuant to this section for each fiscal year, the Commissioner shall allot to each State an amount which bears the same ratio to such sums for such year as the population aged fifteen to twenty, inclusive, of the State, in the preceding fiscal year bears to the population aged fifteen to twenty, inclusive, of all the States in such preceding year.

[(2) The amount of any State's allotment under paragraph (1) for any fiscal year which the Commissioner determines will not be required for such fiscal year for carrying out the part of the State's plan approved pursuant to section 182 shall be available for reallotment from time to time, on such dates during such year as the Commissioner may fix, to other States in proportion to the original allotments to such States under paragraph (1) for such year, but with such proportionate amount for any such other States being reduced to the extent it exceeds the sum the Commissioner estimates such States needs and will be able to use for such year and the total of such reductions shall be similarly realloted among the States not suffering such a reduction. Any amount realloted to a State under this paragraph during such year shall be deemed part of its allotment for such year.]

[PLAN REQUIREMENTS

[SEC. 182. (a) To be eligible to participate in the program authorized by this part, a State shall submit as a part of its State plan through its State board to the Commissioner a plan, in such detail as the Commissioner determines necessary, which—

[(1) designates the State board as the sole agency for administration of the plan, or for supervision of the administration thereof by local educational agencies;

[(2) sets forth the policies and procedures to be followed by the State in approving work-study programs, under which policies and procedures funds paid to the State from its allotment under section 181 will be expended solely for the payment of compensation of students employed pursuant to work-study programs which meet the requirements of subsection (b), except that not to exceed 1 per centum of any such allotment, or $10,000, whichever is the greater, may be used to pay the cost of developing the plan required by this section and the cost of administering such plan after its approval under this section;

[(3) sets forth principles for determining the priority to be accorded applications from local educational agencies for work-study programs, which principles shall give preference to applications submitted by local educational agencies serving communities having substantial numbers of youths who have dropped out of school or who are unemployed, and provides for undertaking such programs, insofar as financial resources available therefor make possible in the order determined by the application of such principles;

[(4) sets forth such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State (including such funds paid by the State to local educational agencies) under this part; and

[(5) provides for making such reports in such form and containing such information as the Commissioner may reasonably require to carry out his functions under this part, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

[(b) For the purposes of this section, a work-study program shall—

[(1) be administered by the local educational agency and made reasonably available (to the extent of available funds) to all youths in the area served by such agency who are able to meet the requirements of paragraph (2);

[(2) provide that employment under such work-study program shall be furnished only to a student who (A) has been accepted for enrollment as a full-time student in a vocational education program which meets the standards prescribed by the State board and the local educational agency for vocational education programs assisted under this title, or in the case of a student already enrolled in such a program, is in good standing and in full-time attendance, (B) is in need of the earnings from such employment to commence or continue his vocational education program, and (C) is at least fifteen years of age and less than twenty-one years of age at the commencement of his employment, and is capable, in the opinion of the appropriate school authorities, of maintaining good standing in his vocational education program while employed under the work-study program;

[(3) provide that no student shall be employed under such work-study program for more than fifteen hours in any week in which classes in which he is enrolled are in session, or for compensation which exceeds $45 in any month or $350 in any academic year or its equivalent, unless the student is attending a school which is not within reasonable commuting distance from his home, in which case his compensation may not exceed $60 in any month or $500 in any academic year or its equivalent;

[(4) provide that employment under such work-study program shall be for the local educational agency or for some other public agency or institution; and

[(5) provide that, in each fiscal year during which such program remains in effect, such agency shall expend (from sources other than payments from Federal funds under this section) for the employment of its students (whether or not in employment eligible for assistance under this section) an amount that is not less than its average annual expenditure for work-study programs of a similar character during the three fiscal years preceding the fiscal year in which its work-study program under this section is approved.

[(c) The provisions of part B shall be applicable to the Commissioner's actions with respect to plans submitted under this section.]

[PAYMENTS

[SEC. 183. (a) From a State's allotment under this section for the fiscal year ending June 30, 1969, and for any succeeding fiscal year, the Commissioner shall pay to such State an amount equal to 80 per centum of (1) the amount expended for compensation of students employed pursuant to work-study programs under the part of the State's plan approved under section 182, plus (2) an amount, not to exceed 1 per centum of such allotment, or $10,000, whichever is the greater, expended for the development of such plan and for the administration of such plan after its approval by the Commissioner. No State shall receive payments under this section for any fiscal year in excess of its allotment under section 181 for such fiscal year.

[(b) Such payments (adjusted on account of overpayments or underpayments previously made) shall be made by the Commissioner in advance on the basis of such estimates, in such installments, and at such times, as may be reasonably required for expenditures by the States of the funds allotted under section 181.]

[STATUS OF PARTICIPANTS

[SEC. 184. Students employed in work-study programs under this part shall not by reason of such employment be deemed employees of the United States, or their service Federal service, for any purpose.]

[PART I—CURRICULUM DEVELOPMENT IN VOCATIONAL AND TECHNICAL EDUCATION

[AUTHORIZATION

[SEC. 189. (a) The Congress finds that curriculum development in vocational education is complicated by the diversity of occupational objectives; variations due to geography; differences in educational levels and types of programs; and by the wide range of occupations which includes, but is not limited to, agriculture, food processing and preparation, trades and industry, distribution and marketing, technical, public service, health services, business, and office occupations. It is therefore the purpose of this section to enable the Commissioner to provide appropriate assistance to State and local educational agencies in the development of curriculums for new and changing occupations, and to coordinate improvements in, and dissemination of, existing curriculum materials.

[(b) There are authorized to be appropriated $7,000,000 for the fiscal year ending June 30, 1969, and $10,000,000 for each of the succeeding fiscal years ending prior to July 1, 1975, for the purposes set forth in this section.

[(c)(1) Sums appropriated pursuant to subsection (b) shall be used by the Commissioner, after consultation with the appropriate State agencies and the National Council, to make grants to or contracts with colleges or universities, State boards, and other public or nonprofit private agencies and institutions, or contracts with public or private agencies, organizations, or institutions—

[(A) to promote the development and dissemination of vocational education curriculum materials for use in teaching occupational subjects, including curriculums for new and changing occupational fields;

[(B) to develop standards for curriculum development in all occupational fields;

[(C) to coordinate efforts of the States in the preparation of curriculum materials and prepare current lists of curriculum materials available in all occupational fields;

[(D) to survey curriculum materials produced by other agencies of Government, including the Department of Defense;

[(E) to evaluate vocational-technical education curriculum materials and their uses; and

[(F) to train personnel in curriculum development.

[(2) For purposes of this subsection "curriculum materials" means materials consisting of a series of courses to cover instruction in any occupational field in vocational education which are designed to prepare persons for employment at the entry level or to upgarde occupational competencies of those previously or presently employed in any occupational field.]

[PART J—BILINGUAL VOCATIONAL TRAINING

[STATEMENT OF FINDINGS

[SEC. 191. The Congress hereby finds that one of the most acute problems in the United States is that which involves millions of citizens, both children and adults, whose efforts to profit from vocational training is severely restricted by their limited English-speaking ability because they come from environments where the dominant language is other than English; that such persons are therefore unable to help to fill the critical need for more and better trained personnel in vital occupational categories; and that such persons are unable to make their maximum contribution to the Nation's economy and must, in fact, suffer the hardships of unemployment or underemployment. The Congress further finds that there is a critical shortage of instructors possessing both the job knowledge and skills and the dual language capabilities required for adequate vocational instruction of such language-handicapped persons, and a corresponding shortage of instructional materials and of instructional methods and techniques suitable for such instruction.]

[GENERAL RESPONSIBILITIES OF THE COMMISSIONER

[SEC. 192. (a) The Commissioner and the Secretary of Labor together shall—

[(1) develop and disseminate accurate information on the status of bilingual vocational training in all parts of the United States;

[(2) evaluate the impact of such bilingual vocational training on the shortages of well-trained personnel, the unemployment or underemployment of persons with limited English-speaking ability, and the ability of such persons to contribute fully to the economy of the United States; and

[(3) report their findings annually to the President and the Congress.

[(b) The Commissioner shall consult with the Secretary of Labor with respect to the administration of this part. Regulations and guidelines promulgated by the Commissioner to carry out this part shall be consistent with those promulgated by the Secretary of Labor pursuant to section 301(b) of the Comprehensive Employment and Training Act of 1973 and shall be approved by the Secretary of Labor before issuance.]

[AUTHORIZATION OF APPROPRIATIONS

[Sec. 193. There are authorized to be appropriated $17,500,000 for the fiscal year ending June 30, 1975, to carry out the provisions of this part.]

[AUTHORIZATION OF GRANTS

[Sec. 194. (a) From the sums made available for grants under this part pursuant to section 193, the Commissioner is authorized to make grants to and enter into contracts with appropriate State agencies, local educational agencies, postsecondary educational institutions, private nonprofit vocational training institutions, and to other nonprofit organizations especially created to serve a group whose language as normally used is other than English in supplying training in recognized occupations and new and emerging occupations, and to enter into contracts with private for-profit agencies and organizations, to assist them in conducting bilingual vocational training programs for persons of all ages in all communities of the United States which are designed to insure that vocational training programs are available to all individuals who desire and need such bilingual vocational training.

[(b) The Secretary shall pay to each applicant which has an application approved under this part an amount equal to the total sums expended by the applicant for the purposes set forth in that application.]

[USE OF FEDERAL FUNDS

[Sec. 195. Grants and contracts under this part may be used, in accordance with applications approved under section 197, for—

[(1) bilingual vocational training programs for persons who have completed or left elementary or secondary school and who are available for training by a postsecondary educational institution;

[(2) bilingual vocational training programs for persons who have already entered the labor market and who desire or need training or retraining to achieve year-round employment, adjust to changing manpower needs, expand their range of skills, or advance in employment; and

[(3) training allowances for participants in bilingual vocational training programs subject to the same conditions and limitations as are set forth in section 111 of the Comprehensive Employment and Training Act of 1973.]

[APPLICATIONS

[Sec. 196. (a) A grant or contract for assistance under this part may be made only upon application to the Commissioner at such time, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Each such application shall—

[(1) provide that the activities and services for which assistance under this part is sought will be administered by or under the supervision of the applicant;

[(2) set forth a program for carrying out the purposes described in section 195; and

[(3) set forth a program of such size, scope, and design as will make a substantial contribution toward carrying out the purposes of this part.

[(b) No grant or contract may be made under this part directly to a local educational agency or a postsecondary educational institution or a private vocational training institution or any other eligible agency or organization unless that agency, institution, or organization has submitted the application to the State board established under Part B of this title, or in the case of a State that does not have such a board, the similar State agency, for comment and includes the comment of that board or agency with the application.]

[APPLICATION APPROVAL BY THE COMMISSIONER

[SEC. 197. (a) The Commissioner may approve an application for assistance under this part only if—

[(1) the application meets the requirements set forth in subsection (a) of the previous section;

[(2) in the case of an application submitted for assistance under this part to an agency, institution, or organization other than the State board established under part B of this title, the requirement of subsection (b) of the previous section is met; and

[(3) in the case of an application submitted for assistance under this part, the Commissioner determines that the program is consistent with criteria established by him, where feasible, after consultation with the State board established under part B of this title, for achieving equitable distribution of assistance under this part within that State.

[(b) An amendment to an application shall, except as the Secretary may otherwise provide, be subject to approval in the same manner as the original application.]

PART F—BILINGUAL VOCATIONAL TRAINING

STATEMENT OF FINDINGS

SEC. 161. The Congress hereby finds that one of the most acute problems in the United States is that which involves millions of citizens, both children and adults, whose efforts to profit from vocational education are severely restricted by their limited English-speaking ability because they come from environments where the dominant language is other than English; that such persons are therefore unable to help to fill the critical need for more and better educated personnel in vital occupational categories; and that such persons are unable to make their maximum contribution to the Nation's economy and must, in fact, suffer the hardships of unemployment or underemployment. The Congress further finds that there is a critical shortage of instructors possessing both the job knowledge and skills and the dual language capabilities required for adequate vocational instruction of such lan-

guage-handicapped persons, and a corresponding shortage of instructional materials and of instructional methods and techniques suitable for such instruction.

GENERAL RESPONSIBILITIES OF THE COMMISSIONER

SEC. 162. (a) The Commissioner and the Secretary of Labor together shall—

(1) develop and disseminate accurate information on the status of bilingual vocational training in all parts of the United States;

(2) evaluate the impact of such bilingual vocational training on the shortages of well-trained personnel, the unemployment or underemployment of persons with limited English-speaking ability, and the ability of such persons to contribute fully to the economy of the United States; and

(3) report their findings annually to the President and the Congress.

(b) The Commissioner shall consult with the Secretary of Labor with respect to the administration of this part. Regulations and guidelines promulgated by the Commissioner to carry out this part shall be consistent with those promulgated by the Secretary of Labor pursuant to section 301(b) of the Comprehensive Employment and Training Act of 1973 and shall be approved by the Secretary of Labor before issuance.

AUTHORIZATION OF APPROPRIATIONS

SEC. 163. There are authorized to be appropriated $80,000,000 for for the fiscal year ending September 30, 1978, $80,000,000 for the fiscal year ending September 30, 1979, and $100,000,000 for the fiscal year ending September 30, 1980, to carry out the provisions of sections 164, 166, and 168.

AUTHORIZATION OF GRANTS

SEC. 164. (a) From the sums made available for grants under this part pursuant to section 163, the Commissioner is authorized to make grants to and enter into contracts with appropriate State agencies, local educational agencies, postsecondary education institutions, private nonprofit vocational training institutions, and to other nonprofit organizations especially created to serve a group whose language as normally used is other than English in supplying training in recognized occupations and new and emerging occupations, and to enter into contracts with private for-profit agencies and organizations, to assist them in conducting bilingual vocational training programs for persons of all ages in all communities of the United States which are designed to insure that vocational training programs are available to all individuals who desire and need such bilingual vocational education.

(b) The Secretary shall pay to each applicant which has an application approved under section 169B an amount equal to the total sums expended by the applicant for the purposes described in section 165 and set forth in that application.

USE OF FEDERAL FUNDS

SEC. 165. Grants and contracts under section 164 may be used, in accordance with applications approved under section 169B, for—

(1) bilingual vocational training programs for persons who have completed or left elementary or secondary school and who are available for education by a postsecondary educational institution;

(2) bilingual vocational training programs for persons who have already entered the labor market and who desire or need training or retraining to achieve year-round employment, adjust to changing manpower needs, expand their range of skills, or advance in employment; and

(3) training allowances for participants in bilingual vocational training programs subject to the same conditions and limitations as are set forth in section 111 of the Comprehensive Employment and Training Act of 1973.

AUTHORIZATION OF GRANTS FOR INSTRUCTOR TRAINING PROGRAMS

SEC. 166. (a) From the sums made available for grants and contracts under this part pursuant to section 163, the Commissioner is authorized to make grants to and enter into contracts with States, or educational institutions, either public or private, to assist them in conducting training for instructors of bilingual vocational training programs, and whenever the Commission determines that it will contribute to carrying out the purposes of this part, to make grants to and enter into contracts with, States or educational institutions, either public or private, to assist them in conducting training for instructors in bilingual vocational educational programs.

(b) The Commissioner shall pay to each applicant which has an application approved under section 169B an amount equal to the total sums expended by the applicant for the purposes described in section 167 and set forth in that application.

USE OF FEDERAL FUNDS

SEC. 167. Grants and contracts under section 166 may be used, in accordance with applications approved under section 169B for—

(1) providing preservice training designed to prepare persons to participate in bilingual vocational training or vocational education programs as instructors, aides, or other ancillary personnel such as counselors, and inservice and development programs designed to enable such personnel to continue to improve their qualifications while participating in such programs; and

(2) fellowships or traineeships for persons engaged in such preservice or inservice training.

AUTHORIZATION OF GRANTS FOR DEVELOPMENT OF INSTRUCTIONAL MATERIALS, METHODS, AND TECHNIQUES

SEC. 168. (a) From the sums made available for grants and contracts under this part pursuant to section 163, the Commissioner is authorized to make grants and enter into contracts with States, public and private educational institutions, and to other appropriate nonprofit organizations, and to enter into contracts with private for-

profit individuals and organizations, to assist them in developing instructional material, methods, or techniques for bilingual vocational training.

(b) The Commissioner shall pay to each applicant which has an application approved under section 169B an amount equal to the total sums expended by the applicant for the purposes described in section 169 and set forth in that application.

USE OF FEDERAL FUNDS

Sec. 169. Grants and contracts under section 168 may be used, in accordance with applications approved under section 169B, for—

(1) research in bilingual vocational training;

(2) training programs designed to familiarize State agencies and training institutions with research findings and successful pilot and demonstration projects in bilingual vocational training;

(3) experimental, developmental, and pilot programs and projects designed to test the effectiveness of research findings; and

(4) other demonstration and dissemination projects.

APPLICATIONS

Sec. 169A. (a) A grant or contract for assistance under this part may be made only upon application to the Commissioner at such time, in such manner, and containing or accompanied by such information as the Commissioner deems necessary. Each such application shall—

(1) provide that the activities and services for which assistance under this part is sought will be administered by or under the supervision of the applicant;

(2)(A) in the case of assistance under section 164, set forth a program for carrying out the purposes described in section 165,

(B) in the case of assistance under section 166, set forth a program for carrying out the purposes described in section 167, and

(C) in the case of assistance under section 168, set forth a program for carrying out the purposes described in section 169;

(3) in the case of assistance under section 164, set forth a program of such size, scope, and design as will make a substantial contribution toward carrying out the purposes of this part;

(4) in the case of assistance under section 166—

(A) describe the capabilities of the applicant institution, including a listing of the vocational training or vocational education courses offered by that institution, together with appropriate accreditation by regional or national associations, if any, and approval by appropriate State agencies of the course offered,

(B) set forth the qualifications of the principal staff who will be responsible for the training program, and

(C) contain a statement of the minimum qualifications of the persons to be enrolled in the training program, a description of the selection process for such persons, and the amounts of the fellowships or traineeships, if any, to be granted to persons so enrolled; and

(5) in the case of assistance under section 168 set forth the qualifications of the staff who will be responsible for the program for which assistance is sought.

(b) No grant or contract may be made under section 164 directly to a local educational agency or a postsecondary educational institution or a private vocational training institution or any other eligible agency or organization unless that agency, institution, or organization has submitted the application to the State board established under section 122 of this title, or in the case of a State that does not have such a board, the similar State agency, for comment and includes the comment of that board or agency with the application.

APPLICATION APPROVAL BY THE COMMISSIONER

Sec. 169B. (a) The Commissioner may approve an application for assistance under this part only if—

(1) the application meets the requirements set forth in subsection (a) of the previous section;

(2) in the case of an application submitted for assistance under section 164 to an agency, institution, or organization other than the State board established under section 122 of this title, the requirement of subsection (b) of the previous section is met;

(3) in the case of an application submitted for assistance under section 164 or section 166 the Commissioner determines that the program is consistent with criteria established by him, where feasible, after consultation with the State board established under section 122 of this title, for achieving equitable distribution of assistance under this part within that State; and

(4) in the case of an epplication submitted for assistance under section 166—

(A) the Commissioner determines that bilingual vocational training or vocational educational programs requiring the services of the persons to be trained have been or will be actually conducted in any State being served and that enrollees will be selected from or for such programs; and

(B) the Commissioner determines that the applicant institution actually has an ongoing vocational training program in the field for which persons are being trained; and that the applicant institution can provide instructors with adequate language capabilities in the language other than English to be used in the bilingual job training program for which the persons are being trained.

(b) An amendment to an application shall, except as the Secretary may otherwise provide, be subject to approval in the same manner as the original application.

Comprehensive Employment and Training Act of 1973

* * * * * * *

STATE MANPOWER SERVICES COUNCIL

Sec. 107. (a)(1) Any State which desires to be designated as a prime sponsor and to enter into arrangements with the Secretary under this title shall establish a Manpower Services Council (hereinafter referred to as the "Council") which shall execise the powers and duties set forth in this section.

(2) The Council established pursuant to paragraph (1) shall—

(A) be appointed by the Governor (who shall designate one member thereof to be Chairman), and shall be composed of—

(i) representatives of the units or combinations of units of general local government in such State, who shall comprise at least one-third of the membership of the Council, which have comprehensive manpower plans approved under section 108 (except that the initial appointments to the Council may consist of representatives of units or combinations of units of general local government described in clauses (2), (3), (4), and (5) of section 102(a) which have indicated an intention to submit a plan for approval under section 108), and such representatives shall be designated by the chief executive officers of the units or combination of units of general local government which qualify for representation under this section in accordance with procedures agreed upon by such chief executive officers;

(ii) one representative each of the State board of vocational education and the public employment service of such State;

(iii) one representative of the State Advisory Council on Vocational Education created pursuant to section 105 of the Vocational Education Act of 1963;

[(iii)**]** *(iv)* one representative of each such other State agency as the Governor may determine to have a direct interest in overall manpower training and utilization within the State;

[(iv)**]** *(v)* representatives of organized labor;

[(v)**]** *(vi)* representatives of business and industry;

[(vi)**]** *(vii)* representatives of community-based organizations and of the client community to be served under this Act (including, where persons of limited English-speaking ability represent a substantial portion of the client population, appropriate representation of such persons); and

[(vii)**]** *(viii)* representatives of the general public.

(B) be appropriately staffed and serviced by the State prime sponsor;

(C) meet at such times and in such places as it deems necessary.

(b) The Council shall—

(1) review the plans of each prime sponsor and the plans of State agencies for the provision of services to such prime sponsors, and make recommendations to such prime sponsors and agencies for the more effective coordination of efforts to meet the overall manpower needs of the State;

(2) continuously monitor the operation of programs conducted by each prime sponsor, and the availability, responsiveness, and adequacy of State services, and make recommendations to the prime sponsors, to agencies providing manpower services, and to the Governor and the general public with respect to ways to improve the effectiveness of such programs or services in fulfilling the purposes of this Act;

(3) make an annual report to the Governor which shall be a public document, and issue such other studies, reports, or documents as it deems advisable to assist prime sponsors or to otherwise help carry out the purposes of this Act.

(4)(i) identify, after consultation with the State Advisory Council on Vocational Education, the employment and training and vocational education needs of the State and assess the extent to which employment training, vocational education, vocational rehabilitation, and other programs assisted under this and related Acts represent a consistent, integrated, and coordinated approach to meeting such needs; and (ii) comment at least once annually, on the reports of the State Advisory Council on Vocational Education, which comments shall be included in the annual report submitted by the Council pursuant to this section and in the annual report submitted by the State advisory council pursuant to section 105 of the Vocational Education Act of 1963.

* * * * * * *

COMMISSION ESTABLISHED

SEC. 502. (a) There is established a National Commission for Manpower Policy (hereinafter referred to as the "Commission") which shall consist of seventeen members selected as follows—

(1) the Secretary of Labor, the Secretary of Health, Education, and Welfare, the Secretary of Defense, the Secretary of Commerce, the Secretary of Agriculture, and the Administrator of the Veterans' Affairs; and

(2) a representative of the National Advisory Council on Vocational Education created pursuant to section 105 of the Vocational Education Act of 1963; and.

[(2) eleven] *(3) ten* members broadly representative of labor, industry, commerce, education (including vocational and technical education), State and local elected officials involved with manpower programs, persons served by manpower programs and of the general public appointed by the President.

(b) The Commission shall meet at the call of the Chairman, who shall be selected by the President and who shall be one of the ten appointed public members, but not fewer than three times a year.

(c) The Chairman (with the concurrence of the Commission) shall appoint a Director, who shall be the chief executive officer of the Commission and shall perform such duties as are prescribed by the Chairman. The Director may appoint, with the concurrence of the Chairman and the Secretary of Labor, such clerical staff as are necessary. The Commission may utilize such staff from the Department of Labor, the Department of Health, Education, and Welfare, and such other Federal agencies as may be available to assist the Commision in carrying out its responsibilities.

(d) The Commission may accept in the name of the Department of Labor and employ or dispose of gifts or bequests, to carry out its responsibilities under this title.

(e) Members of the Commission who are not officers or employees of the Federal Government shall be paid compensation at a rate of up to the per diem equivalent of the rate for GS–18 when engaged in the work of the Commission, including traveltime, and shall be allowed travel expenses and per diem in lieu of subsistence as authorized by law (5 U.S.C. 5703) for persons in the Government service employed intermittently and receiving compensation on a per diem, when actually employed, basis.

FUNCTIONS OF THE COMMISSION

SEC. 503. The Commission shall—

(1) identify the manpower goals and needs of the Nation and assess the extent to which employment and training, vocational education, institutional training, vocational rehabilitation, economic opportunity, and other programs under this and related Acts represent a consistent, integrated, and coordinated approach to meeting such needs and achieving such goals;

(2) conduct such studies, hearings, research, or other activities as it deems necessary to enable it to formulate appropriate recommendations;

(3) examine and evaluate the effectiveness of any federally assisted manpower development programs (including those assisted under this Act), with particular reference to the contributions of such programs to the achievement of objectives sought by the recommendations under clause (2) of this section;

(4) examine and evaluate major Federal programs which are intended to (or potentially could) contribute to achieving major objectives of existing manpower and related legislation or those set forth in the recommendations of the Commission and particularly the programs which are designed (or could be designed) to develop information and knowledge about manpower problems through research and demonstration projects or to train personnel in fields (such as occupational counseling, guidance, and placement) which are vital to the success of manpower programs; **[**and**]**

(5)(i) identify, after consultation with the National Advisory Council on Vocational Education, the employment and training and vocational education needs of the Nation and assess the extent to which employment training, vocational education, vocational rehabilitation, and other programs assisted under this and related Acts represent a consistent, integrated, and coordinated approach to meeting such needs; and (ii) comment, at least once annually, on the reports of the National Advisory Council on Vocational Education, which comments shall be included in one of the reports submitted by the National Commission pursuant to this section and in one of the reports submitted by the National Advisory Council on Vocational Education pursuant to section 105 of the Vocational Education Act of 1963; and

[5**]**(*6*) evaluate and make recommendations to the Congress with respect to the report of the Secretary required under section 506, and continue to make studies of the impact of energy shortages upon manpower needs and include these findings and recommendations with respect thereto in the reports required by section 505.

* * * * * * *

HIGHER EDUCATION ACT OF 1965

* * * * * * *

TITLE V—EDUCATION PROFESSIONS DEVELOPMENT

* * * * * * *

[PART F—TRAINING AND DEVELOPMENT PROGRAMS FOR VOCATIONAL EDUCATIONAL PERSONNEL

[STATEMENT OF PURPOSE

[SEC. 551. It is the purpose of this part to provide opportunities for experienced vocational educators to spend fulltime in advanced study of vocational education for a period not to exceed three years in length; to provide opportunities to update the occupational competencies of vocational education teachers through exchanges of personnel between vocational education programs and commercial, industrial, or other public or private employment related to the subject matter of vocational education; and to provide programs of inservice teacher education and short-term institutes for vocational education personnel.]

[LEADERSHIP DEVELOPMENT AWARDS

[SEC. 552. (a) In order to meet the needs in all the States for qualified vocational education personnel (such as administrators, supervisors, teacher educators, researchers, and instructors in vocational education programs) the Commissioner shall make available leadership development awards in accordance with the provisions of this part only upon his determination that—

[(A) persons selected for awards have had not less than two years of experience in vocational education or in industrial training, or military technical training; or, in the case of researchers, experience in social science research which is applicable to vocational education; or

[(B) persons receiving such awards are currently employed or are reasonably assured of employment in vocational education and have successfully completed, as a minimum, a baccalaureate degree program; or

[(C) persons selected are recommended by their employer, or others, as having leadership potential in the field of vocational education and are eligible for admission as a graduate student to a program of higher education approved by the Commissioner under subsection (c).

[(b)(1) The Commissioner shall pay to persons selected for leadership development awards such stipends (including such allowances for subsistence and other expenses for such person and their dependents) as he may determine to be consistent with prevailing practices under comparable federally supported programs.

[(2) The Commissioner shall, in addition to the stipends paid to persons under paragraph (1), pay to the institution of higher education at which such person is pursuing his course of study such amount as the Commissioner may determine to be consistent with the prevailing practices under comparable federally supported programs not to exceed the equivalent of $3,500 per academic year, but any amount charged such person for tuition and nonrefundable fees and deposits shall be deducted from the amount payable to the institution of higher education under this subsection.

[(c) The Commissioner shall approve the vocational education leadership development program of an institution of higher education by the institution only upon finding that—

[(1) the institution offers a comprehensive program in vocational education with adequate supporting services and disciplines such as education administration, guidance and counseling research, and curriculum development;

[(2) such program is designed to further substantially the objective of improving vocational education through providing opportunities for graduate training and vocational education teachers, supervisors, and administrators, and of university level vocational education teacher educators and researchers;

[(3) such programs are conducted by a school of graduate study in the institution of higher education; and

[(4) such program is also approved by the State board for vocational education in the State where the institution is located.

[(d) In order to meet the needs for qualified vocational education personnel such as teachers, administrators, supervisors, and teacher educators, in vocational education programs in all the States, the Commissioner in carrying out this section shall apportion leadership development awards equitably among the States, taking into account such factors as the State's vocational education enrollments, and the incidence of youth unemployment and school dropouts in the State.

[(e) Persons receiving leadership awards under the provisions of this section shall continue to receive the payments provided in subsection (b) only during such periods as the Commissioner finds that they are maintaining satisfactory proficiency in, and devoting essentially full time to, study or research in the field of vocational education in an institution of higher education, and are not engaging in gainful employment, other than part-time employment by such institution in teaching, research, or similar activities, approved by the Commissioner.

[EXCHANGE PROGRAMS, INSTITUTES, AND IN-SERVICE EDUCATION FOR VOCATIONAL-EDUCATION TEACHERS, SUPERVISORS, COORDINATORS, AND ADMINISTRATORS

[SEC. 553. (a) The Commissioner is authorized to make grants to State boards, as defined in the Vocational Educational Act of 1963, to pay the cost of carrying out cooperative arrangements for the training or retraining of experienced vocational education personnel such as teachers, teacher educators, administrators, supervisors, and coordinators, and other personnel, in order to strengthen education programs supported by this part and the administration of schools offering vocational education. Such cooperative arrangements may be between schools offering vocational education and private business or industry, commercial enterprises, or with other educational institutions (including those for the handicapped and delinquent).

[(b) Grants under this section may be used for projects and activities such as—

[(1) exchange of vocational education teachers and other staff members with skilled technicians or supervisors in industry (including mutual arrangements for preserving employment and retirement status, and other employment benefits during the period of exchange), and the development and operation of cooperative programs involving periods of teaching in schools providing vocational education and of experience in commercial, industrial, or other public or private employment related to the subject matter taught in such school;

[(2) in-service training programs for vocational education teachers and other staff members to improve the quality of instruction, supervision, and administration of vocational education programs; and

[(3) short-term or regular-session institutes, or other preservice and in-service training programs or projects designed to improve the qualifications of persons entering and reentering the field of vocational education, except that funds may not be used for seminars, symposia, workshops or conferences unless these are part of a continuing program of in-service or preservice training.

[(c) A grant may be made under this section only upon application to the Commissioner at such time or times and containing such information as he deems necessary. The Commissioner shall not approve an application unless it—

[(1) sets forth a programs for carrying out one or more projects or activities which meet the requirements of subsection (b), and provides for such methods of administration as are necessary for the proper and efficient operation of the program;

[(2) sets forth policies and procedures which assure that Federal funds made available under this section for any fiscal year will be so used as to supplement and, to the extent practicable, increase the level of funds that would, in the absence of such Federal funds, be made available for purposes which meet the requirements of subsection (b), and in no case supplant such funds;

[(3) provides for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of and accounting for Federal funds paid to the applicant under this section; and

[(4) provides for making such reports, in such form and containing such information, as the Commissioner may require to carry out his functions under this section, and for keeping such records and for affording such access thereto as the Commissioner may find necessary to assure the correctness and verification of such reports.

[FAMILIARIZING TEACHERS WITH NEW CURRICULAR MATERIALS

[SEC. 554. In approving training and development programs for vocational education personnel, the Commissioner shall give special consideration to programs which are designed to familiarize teachers with new curricular materials in vocational education.]

* * * * * * *

TITLE X—COMMUNITY COLLEGES AND OCCUPATIONAL EDUCATION

*   *   *   *   *   *   *

[PART B—OCCUPATIONAL EDUCATION PROGRAMS

[AUTHORIZATION OF APPROPRIATIONS

[SEC. 1051. For the purposes of carrying out this part, there are hereby authorized to be appropriated $100,000,000 for the fiscal year ending June 30, 1973, $250,000,000 for the fiscal year ending June 30, 1974, and $500,000,000 for the fiscal year ending June 30, 1975. Eighty per centum of the funds appropriated for the first year for which funds are appropriated under this section shall be available for the purposes of establishing administrative arrangements under section 1055, making planning grants under section 1056, and for initiating programs under section 1057 in that States which have complied with the planning requirements of section 1056; and 20 per centum shall be available only for technical assistance under section 1059(a). From the amount appropriated for each succeeding fiscal year 15 per centum shall be reserved to the Commissioner for grants and contracts pursuant to section 1059(b).

[ALLOTMENTS AND REALLOTMENTS AMONG STATES

[SEC. 1052. (a) From the sums appropriated under section 1051 for the first year for which funds are appropriated under that section (other than funds available only for technical assistance), the Commissioner shall first allot such sums as they may require (but not to exceed $50,000 each) to American Samoa and the Trust Territory of the Pacific Islands. From the remainder of such sums he shall allot to each State an amount which bears the same ratio to such remainder as the number of persons sixteen years of age or older in such State bears to the number of such persons in all the States, except that the amount allotted to each State shall not be less than $100,000.

[(b) From the sums appropriated for any succeeding fiscal year under such section (other than funds reserved to the Commissioner), the Commissioner shall first allot such sums as they may require (but not to exceed $500,000 each) to American Samoa and the Trust Territory of the Pacific Islands. From the remainder of such sums he shall allot to each State an amount which bears the same ratio to such remainder as the number of persons sixteen years of age or older in such State bears to the number of such persons in all the States, except that the amount allotted to each State shall not be less than $500,000.

[GENERAL RESPONSIBILITIES OF COMMISSIONER OF EDUCATION

[SEC. 1054. The Commissioner shall, in addition to the specific responsibilities imposed by this part, develop and carry out a program of occupational education that will—

[(1) coordinate all programs administered by the Commissioner which specifically relate to the provisions of this part so as to provide the maximum practicable support for the objectives of this part;

[(2) promote and encourage occupational preparation, counseling and guidance, and job placement or placement in postsecondary occupational education progams as a responsibility of elementary and secondary schools;

[(3) utilize research and demonstration programs administered by him to assist in the development of new and improved instructional methods and technology for occupational education and in the design and testing of models of schools or school systems which place occupational education on an equal footing with academic education;

[(4) assure that the Education Professions Development Act and similar programs of general application will be so administered as to provide a degree of support for vocational, technical, and occupational education commensurate with national needs and more nearly representative of the relative size of the population to be served; and

[(5) develop and disseminate accurate information on the status of occupational education in all parts of the Nation, at all levels of education, and in all types of institutions, together with information on occupational opportunities available to persons of all ages.

[STATE ADMINISTRATION

[SEC. 1055. (a) Any State desiring to participate in the program authorized by this part shall in accordance with State law establish a State agency or designate an existing State agency which will have sole responsibility for fiscal management and administration of the program, in accordance with the plan approved under this part, and which adopts administrative arrangements which will provide assurances satisfactory to the Commissioner that—

[(1) the State Advisory Council on Vocational Education will be charged with the same responsibilities with respect to the program authorized by this part as it has with respect to programs authorized under the Vocational Education Act of 1963;

[(2) there is adequate provision for individual institutions or groups of institutions and for local educational agencies to appeal and obtain a hearing from the State administrative agency with respect to policies, procedures, programs, or allocation of resources under this part with which such institution or institutions or such agencies disagree.

[(b) The Commissioner shall approve any administrative arrangements which meet the requirements of subsection (a), and shall not finally disapprove any such arrangements without affording the State administrative agency a reasonable opportunity for a hearing. Upon the final disapproval of any arrangement, the provisions for judicial review set forth in section 1058(b) shall be applicable.

[PLANNING GRANTS FOR STATE OCCUPATIONAL EDUCATION PROGRAMS

[SEC. 1056. (a) Upon the application of a State Commission (established or designated pursuant to section 1202), the Commissioner shall make available to the State the amount of its allotment under section 1052 for the following purposes—

[(1) to strengthen the State Advisory Council on Vocational Education in order that it may effectively carry out the additional functions imposed by this part; and

[(2) to enable the State Commission to initiate and conduct a comprehensive program of planning for the establishment of the program authorized by this part.

[(b) (1) Planning activities initiated under clause (2) of subsection (a) shall include—

[(A) an assessment of the existing capabilities and facilities for the provision of postsecondary occupational education, together with existing needs and projected needs for such education in all parts of the State;

[(B) thorough consideration of the most effective means of utilizing all existing institutions within the State capable of providing the kinds of programs assisted under this part, including (but not limited to) both private and public community and junior colleges, area vocational schools, accredited private proprietary institutions, technical institutes, manpower skill centers, branch institutions of State colleges or universities and public and private colleges and universities;

[(C) the development of an administrative procedure which provides reasonable promise for resolving differences between vocational educators, community and junior college educators, college and university educators, elementary and secondary educators, and other interested groups with respect to the administration of the program authorized under this part; and

[(D) the development of a long-range strategy for infusing occupational education (including general orientation, counseling and guidance and placement either in a job or in postsecondary occupational programs) into elementary and secondary schools on an equal footing with traditional academic education, to the end that every child who leaves secondary school is prepared either to enter productive employment or to undertake additional education at the postsecondary level, but without being forced prematurely to make an irrevocable commitment to a particular educational or occupational choice; and

[(E) the development of procedures to insure continuous planning and evaluation, including the regular collection of data which would be readily available to the State administrative agency, the State Advisory Council on Vocational Education, individual educational institutions, and other interested parties (including concerned private citizens).

[(2) Planning activities carried on by the State Commission under this section shall involve the active participation of—

[(A) the State board for vocational education;

[(B) the State agency having responsibility for community and junior colleages;

[(C) the State agency having responsibility for higher education institutions or programs;

[(D) the State agency responsible for administering public elementary and secondary education;

[(E) the State agency responsible for programs of adult basic education;

[(F) representatives of all types of institutions in the State which are conducting or which have the capability and desire to conduct programs of postsecondary occupational education;

[(G) representatives of private, nonprofit elementary and secondary schools;

[(H) the State employment security agency, the State agency responsible for apprenticeship programs, and other agencies within the State having responsibility for administering manpower development and training programs;

[(I) the State agency responsible for economic and industrial development;

[(J) persons familiar with the occupational education needs of the disadvantaged, of the handicapped, and minority groups; and

[(K) representatives of business, industry, organized labor, agriculture, and the general public.

[(c) The Commissioner shall not approve any application for a grant under section 1057 of this part unless he is reasonably satisfied that the planning described in this section (whether or not assisted by a grant under this section) has been carried out.

[PROGRAM GRANTS FOR STATE OCCUPATIONAL EDUCATION PROGRAMS

[SEC. 1057. (a) From the allotments available to the State under section 1052(a) (upon application by the State administrative agency designated or established under section 1055), the Commissioner shall make grants to any State which has satisfied the requirements of section 1058. Such grants may be used for the following purposes—

[(1) assist the State administrative agency designated or established under section 1055;

[(2) the design, establishment, and conduct of programs of postsecondary occupational education (or the expansion and improvement of existing programs) as defined by section 1060 of this part;

[(3) the design, establishment, and conduct of programs to carry out the long-range strategy developed pursuant to section 1056(b)(1)(D) for infusing into elementar and secondary education occupational preparation, which shall include methods of involving secondary schools in occupational placement and methods of providing followup services and career counseling and guidance for persons of all ages as a regular function of the educational system;

[(4) the design of high-quality instructional programs to meet the needs for postsecondary occupational education and the development of an order of priorities for placing these programs in operation;

[(5) special training and preparation of persons to equip them to teach, administer, or otherwise assist in carrying out the program authorized under this part (such as programs to prepare journeymen in the skilled trades or occupations for teaching positions); and

[(6) the leasing, renting, or remodeling of facilities required to carry out the program authorized by this part.

[(b) Programs authorized by this part may be carried out through contractual arrangements with private organizations and institutions organized for profit where such arrangements can make a contribution to achieving the purposes of this part by providing substantially equivalent education, training, or services more readily or more economically, or by preventing needless duplication of expensive physical plant and equipment, or by providing needed education or training of the types authorized by this part which would not otherwise be available.

[ASSURANCES; JUDICIAL REVIEW

[SEC. 1058. (a) Before making any program grant under this part the Commissioner shall receive from the State Commission an assurance satisfactory to him that the planning requirements of section 1056 have been met and from the State administrative agency assurances satisfactory to him that—

[(1) the State Advisory Council on Vocational Education has had a reasonable opportunity to review and make recommendations concerning the design of the programs for which the grant is requested;

[(2) Federal funds made available under this part will result in improved occupational education programs, and in no case supplant State, local, or private funds;

[(3) adequate provision has been made by such agency for programs described in section 1057(a)(3);

[(4) provision has been made for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the State under this part;

[(5) to the extent consistent with the number of students enrolled in nonprofit private schools in the area to be served by an elementary or secondary school program funded under this part, provision has been made for the effective participation of such students; and

[(6) reports will be made in such form and containing such information as the Commissioner may reasonably require to carry out his functions under this part.

[(b)(1) Whenever the Commissioner, after reasonable notice and opportunity for a hearing to the State administrative agency, finds that any of the assurances required by subsection (a) are unsatisfactory, or that in the administration of the program there is a failure to comply with such assurances or with other requirements of the part, the Commissioner shall notify the administrative agency that no further payments will be made to the State under this part until he is satisfied there has been or will be compliance with the requirements of the part.

[(2) A State administrative agency which is dissatisfied with a final action of the Commissioner under this section or under section 1055 (with respect to approval of State administration) may appeal to the United States court of appeals for the circuit in which the State is located, by filing a petition with such court within sixty days after such final action. A copy of the petition shall be forthwith transmitted by the clerk of the court to the Commissioner, or any officer designated by him for that purpose. The Commissioner thereupon shall file in the court the record of the proceedings on which he based his action, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall have jurisdiction to affirm the action of the Commissioner or to set it aside, in whole or in part, temporarily or permanently but until the filing of the record the Commissioner may modify or set aside his action. The findings of the Commissioner as to the facts, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Commissioner to take further evidence, and the Commissioner may thereupon make new or modified findings of fact and may modify his previous action, and shall file in the court the record of the further proceedings. Such new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the court affirming or setting aside, in whole or in part, any action of the Commissioner shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code. The commencement of proceedings under this subsection shall not, unless so specifically ordered by the court, operate as a stay of the Commissioner's action.

[TECHNICAL ASSISTANCE; MODEL PROGRAMS

[Sec. 1059. (a) The Commissioner shall make available (to the extent practicable) technical assistance to the States in planning, designing, and carrying out the program authorized by this part upon the request of the appropriate State agency designated or established pursuant to section 1055 or section 1202 and the Commissioner shall take affirmative steps to acquaint all interested organizations, agencies, and institutions with the provision of this part and to enlist broad public understanding of its purposes.

[(b) From the sums reserved to the Commissioner under section 1051, he shall by grant or contract provide assistance—

[(1) for the establishment and conduct of model or demonstration programs which in his judgment will promote the achievement of one or more purposes of this part and which might otherwise not be carried out (or not be carried out soon enough or in such a way as to have the desirable impact upon the purposes of the part);

[(2) as an incentive or supplemental grant to any State administrative agency which makes a proposal for advancing the purposes of this part which he feels holds special promise for meeting occupational education needs of particular groups or classes of persons who are disadvantaged or who have special needs, when such proposal could not reasonably be expected to be carried out under the regular State program; and

[(3) for particular programs or projects eligible for support under this part which he believes have a special potential for helping to find solutions to problems on a regional or national basis.

[(c) In providing support under subsection (b) the Commissioner may as appropriate make grants to or contracts with public or private agencies, organizations, and institutions, but he shall give first preference to applications for projects or programs which are administered by or approved by State administrative agencies, and he shall in no case make a grant or contract within any State without first having afforded the State administrative agency reasonable notice and opportunity for comment and for making recommendations.

[DEFINITIONS

[SEC. 1060. For the purposes of this part—

[(1) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Virgin Islands, and (except for the purposes of subsections (a) and (b) of section 1052) American Samoa and the Trust Territory of the Pacific Islands.

[(2) The term "postsecondary occupational education" means education, training, or retraining (and including guidance, counseling, and placement services) for persons sixteen years of age or older who have graduated from or left elementary or secondary school, conducted by an institution legally authorized to provide postsecondary education within a State, which is designed to prepare individuals for gainful employment as semi-skilled or skilled workers or technicians or subprofessionals in recognized occupations (including new and emerging occupations) or to prepare individuals for enrollment in advanced technical education programs, but excluding any program to prepare individuals for employment in occupations which the Commissioner determines, and specifies by regulation, to be generally considered professional or which require a baccalaureate or advanced degree.]

ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

* * * * * * *

PAYMENT

SEC. 143. (a) * * *

* * * * * * *

(c)(1) No payments shall be made under this title for any fiscal year to a State which has taken into consideration payments under this title in determining the eligibility of any local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

(2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational agency finds that the combined fiscal effort *per student* (as determined in accordance with regulations of the Commissioner) of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort *per student* for that purpose for the second preceding fiscal year.

* * * * * * *

PAYMENTS

SEC. 307. (a) * * *

* * * * * * *

(e) No payments shall be made under this title to any local educational agency or to any State unless the Commissioner finds, in the case of a local educational agency, that the combined fiscal effort *per student* of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort *per student* for that purpose for the second preceding fiscal year or, in the case of a State, that the fiscal effort *per student* of that State for State aid (as defined by regulation) with respect to the provision of free public education in that State for the preceding fiscal year was not less than such fiscal effort *per student* for State aid for the second preceding fiscal year.

* * * * * * *

STATE PLANS

SEC. 403. (a) * * *

* * * * * * *

(11) gives satisfactory assurance that the aggregate amount *per student* to be expended by the State and its local educational agencies from funds derived from non-Federal sources for programs described in section 421(a) for a fiscal year will not be less than the amount *per student* so expended for the preceding fiscal year.

SECTION 710 OF THE EMERGENCY SCHOOL AID ACT

APPLICATIONS

SEC. 710. (a) * * *

* * * * * * *

(13) provides that the applicant has not reduced its fiscal effort *per student* for the provision of free public education for children in attendance of the schools of such agency for the fiscal year for which assistance is sought under this title to less than that of the second preceding fiscal year, and that the current expenditure per pupil which such agency makes from revenues derived from its local sources for the fiscal year for which assistance under this title will be made available to such agency is not less than such expenditure per pupil which such agency made from such revenues for (A) the fiscal year preceding the fiscal year during which the implementation of a plan described in section 706(a)(1)(A) was commenced, or (B) the third fiscal year preceding the fiscal year for which such assistance will be made available under this title, whichever is later;

* * * * * * *

GENERAL EDUCATION PROVISIONS ACT

* * * * * * *

PART C—GENERAL REQUIREMENTS AND CONDITIONS CONCERNING THE OPERATION AND ADMINISTRATION OF EDUCATION PROGRAMS; GENERAL AUTHORITY OF THE COMMISSIONER OF EDUCATION

* * * * * * *

SUBPART 1—GENERAL AUTHORITY

* * * * * * *

WAIVER OF MAINTENANCE OF EFFORT PROVISIONS

SEC. 430. The Commissioner may waiver for one fiscal year provisions requiring maintenance of effort by local educational agencies, if he or she determines, upon the application of such agency, that very exceptional circumstances exist that year which render unattainable the compliance with such provision and that every effort possible has been made by such agency to comply with such provisions.

* * * * * * *

SECTION 301 OF THE NATIONAL DEFENSE EDUCATION ACT

APPROPRIATIONS AUTHORIZED

SEC. 301. There are hereby authorized to be appropriated $70,000,000 for the fiscal year ending June 30, 1959, and for each of the five succeeding fiscal years, $90,000,000 for the fiscal year ending June 30, 1965, and $100,000,000 for the fiscal year ending June 30, 1966, and for the succeeding fiscal year, $110,000,000 for each of the fiscal years ending June 30, 1968, and June 30, 1969, $120,500,000 for the fiscal year ending June 30, 1970, and $130,500,000 for each of the fiscal years ending prior to June 30, [1977] *1978* for (1) making payments to State educational agencies under this title for the acquisition of equipment and for minor remodeling, described in paragraph (1) of section 303(a), and (2) making loans authorized in section 305. There are also authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1959, and for each of the five succeeding fiscal years, and $10,000,000 for each of the succeeding fiscal years ending prior to July 1, [1977] *1978*, for making payments to State educational agencies under this part to carry out the programs described in paragraph (5) of section 303(a). Notwithstanding the preceding two sentences, no funds are authorized to be appropriated for obligation during any year for which funds are available for obligation for carrying out part B of title IV of the Elementary and Secondary Education Act of 1965.

[Amendments Made By Title II of H.R. 12835]

SECTION 405 OF THE GENERAL EDUCATION PROVISIONS ACT

NATIONAL INSTITUTE OF EDUCATION

SEC. 405. (a) (1) The Congress hereby declares it to be the policy of the United States to provide to every person an equal opportunity to receive an education of high quality regardless of his race, color, religion, sex, national origin, or social class. Although the American educational system has pursued this objective, it has not yet attained that objective. Inequalities of opportunity to receive high quality education remain pronounced. To achieve quality will require far more dependable knowledge about the process of learning and education than now exists or can be expected from present research and experimentation in this field. While the direction of the education system remains primarily the responsibility of State and local governments the Federal Government has a clear responsibility to provide leadership in the conduct and support of scientific inquiry into the educational process.

(2) The Congress further declares it to be the policy of the United States to—

(i) help to solve or to alleviate the problems of, and promote the reform and renewal of American education;

(ii) advance the practice of education, as an art, science, and profession;

(iii) strengthen the scientific and technological foundations of education; and

(iv) build an effective educational research and development system.

(b)(1) In order to carry out the policy set forth in subsection (a), there is established the National Institute of Education (hereinafter referred to as the "Institute") which shall consist of a National Council on Educational Research (referred to in this section as the "Council") and a Director of the Institute (hereinafter referred to as the "Director"). The Institute shall have only such authority as may be vested therein by this section.

(2) The Institute shall, in accordance with the provisions of this section, seek to improve education [including career education] in the United States through *concentrating the resources of the Institute on the following priority research and development needs*—

[(A) helping to solve or to alleviate the problems of, and achieve the objectives of American education;

[(B) advancing the practice of education, as an art, science, and profession;

[(C) the strengthening of the scientific and technological foundations of education; and

[(D) building an effective educational research and development system.]

(A) improvement in student achievement in the basic educational skills, including reading and mathematics;

(B) overcoming problems of finance, productivity, and management in educational institutions;

(C) improving the ability of schools to meet their responsibilities to provide equal educational opportunities for students of limited English-speaking ability, women, and students who are socially, economically, or educationally disadvantaged;

(D) preparation of youths and adults for entering and progressing in careers; and

(E) improved dissemination of the results of, and knowledge gained from, educational research and development, including

assistance to educational agencies and institutions in the application of such results and knowledge.

(c)(1) The Council shall consist of fifteen members appointed by the President, by and with the advice and consent of the Senate, the Director, and such other ex officio members who are officers of the United States as the President may designate. [Eight] *A majority of the* members of the Council (excluding ex officio members) shall constitute a quorum. The Chairman of the Council shall be designated from among its appointed members by the President. Ex officio members shall not have a vote on the Council. *The members of the Council shall be appointed so that the Council shall be broadly representative of the general public; of the education professions, including practitioners and researchers; and of the various fields of education, including preschool, elementary and secondary, postsecondary, continuing, vocational, special, and compensatory education.*

(2) The term of office of the members of the Council (other than ex officio members) shall be three years, except that (A) the members first taking office shall serve as designated by the President, five for terms of three years, five for terms of two years, and five for terms of one year, [and] (B) any member appointed to fill a vacancy shall serve for the remainder of the term for which his predecessor was appointed, *and (C) the term of office of each member shall expire on September 30 of the year in which such term would otherwise expire, unless a successor to such member has not been appointed and confirmed by the Senate by such date, in which case such member shall continue to serve until a successor has been appointed and confirmed.* Any appointed member who has been a member of the Council for six consecutive years shall thereafter be ineligible for appointment to the Council during the two-year period following the expiration of such sixth year.

(3) The Council shall—

(A) establish general policies for, and review the conduct of, the Institute;

(B) advise the Assistant Secretary and the Director of the Institute on development of programs to be carried out by the Institute;

(C) present to the Assistant Secretary and the Director such recommendations as it may deem appropriate for the strengthening of educational research, the improvement of methods of collecting and disseminating the findings of educational research and of insuring the implementation of educational renewal and reform based upon the findings of educational research;

(D) conduct such studies as may be necessary to fulfill its functions under this section;

(E) prepare an annual report to the Assistant Secretary on the current status and needs of educational research in the United States;

(F) submit an annual report to the President on the activities of the Institute, and on education and educational research in general, (i) which shall include such recommendations and comments as the Council may deem appropriate, and (ii) shall be submitted to the Congress not later than March 31 of each year; and

(G) meet at the call of the Chairman, except that it shall meet

(i) at least four times during each fiscal year, or (ii) whenever one-third of the members request in writing that a meeting be held. The Director shall make available to the Council such information and assistance as may be necessary to enable the Council to carry out its functions. *The Council may employ, without the approval of the Director, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, not to exceed seven technical and professional employees, as the Council deems necessary to carry out its functions.*

(d)(1) The Director of the Institute shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall be compensated at the rate provided for level V of the Executive Schedule under section 5316 of title 5, United States Code, and shall perform such duties and exercise such powers and authorities as the Council, subject to the general supervision of the Assistant Secretary, may prescribe. The Director shall be responsible to the Assistant Secretary and shall report to the Secretary through the Assistant Secretary and not to or through any other officer of the Department of Health, Education, and Welfare. The Director shall not delegate any of his functions to any other officer who is not directly responsible to him.

(2) There shall be a Deputy Director of the Institute (referred to in this section as the "Deputy Director") who shall be appointed by the President and shall serve at the pleasure of the President. The Deputy Director shall be compensated at the rate provided for grade 18 of the General Schedule set forth in section 5332 of title 5, United States Code, and shall act for the Director during the absence or disability of the Director and exercise such powers and authorities as the Director may prescribe. The position created by this paragraph shall be in addition to the number of positions placed in grade 18 of the General Schedule under section 5108 of title 5, United States Code.

(e)(1) In order to carry out the objectives of the Institute, the Director is authorized, through the Institute, to conduct educational research; collect and disseminate the findings of educational research; train individuals in educational research; assist and foster such research, collection, dissemination, or training through grant, or technical assistance to, or jointly financed cooperative arrangements with, public or private organizations, institutions, agencies, or individuals; promote the coordination of such research and research support within the Federal Government; and may construct or provide (by grant or otherwise) for such facilities as he determines may be required to accomplish such purposes. As used in this subsection, the term "educational research" includes research (basic and applied), planning, surveys, evaluations, investigations, experiments, developments, and demonstrations in the field of education (including career education).

(2) Funds appropriated pursuant to subsection (b) for any fiscal year may be expended on projects and activities to disseminate (A) information on the results of educational research and development; and (B) other educational information. Projects and activities funded under this paragraph may include cooperative and jointly funded

arrangements for such dissemination utilizing individuals who may be designated as "Education Extension Agents". Employment opportunities at the local level which are generated and funded through projects and activities carried out under the preceding sentence of this paragraph shall be made available to residents of the area to be served, if any such residents are qualified for, and apply for, such employment.

(3) The Director may establish and maintain research fellowships in the Institute, with such stipends and allowances, including travel and subsistence expenses, as the Director may deem necessary to procure the assistance of highly qualified research fellows from the United States and abroad.

[(2)**]** *(4)* Not less than 90 per centum of the funds appropriated pursuant to subsection (h) for any fiscal year shall be expended to carry out this section through grants or contracts with qualified public or private agencies and individuals.

[(3)**]** *(5)* The Director may appoint, for terms not to exceed three years, without regard to the provisions of title 5 of the United States Code governing appointment in the competitive service and may compensate without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, such technical or professional employees of the Institute as he deems necessary to accomplish its functions and also appoint and compensate without regard to such provisions not to exceed one-fifth of the number of full-time, regular technical or professional employees of the Institute.

(f) (Repealed by section 502(a)(2)(B)(II) of the Education Amendments of 1974 (Public Law 93–380; 88 Stat. 560).)

(g) Where funds are advanced for a single project by more than one Federal agency for the purposes of this section, the National Institute of Education may act for all in administering the funds advanced.

(h) There are hereby authorized to be appropriated, without fiscal year limitations, $550,000,000, in the aggregate, for the period beginning July 1, 1972, and ending June 30, 1975, to carry out the functions of the Institute. *There are also authorized to be appropriated for such purpose $100,000,000 for the fiscal year ending September 30, 1977, $120,000,000 for the fiscal year ending September 30, 1978, and $140,000,000 for the fiscal year ending September 30, 1979.* Sums so appropriated shall, notwithstanding any other provision of law unless enacted in express limitation of this subsection, remain available for the purposes of this subsection until expended.

(i)(1) In conducting educational research under subsection (c) which deals with specific education programs or the target populations of such programs, the Director shall consult with the appropriate administrators of such programs within appropriate Federal agencies.

(2) The head of any Federal agency which conducts educational research or provides financial assistance for such research shall consult with the Director with respect to the design of programs of such research.

(j)(1) There is established within the Institute a Federal Council on Educational Research and Development (hereinafter in this subsection referred to as the "Federal Council").

(2) The Federal Council shall be composed of, but shall not be limited to, the following members: (A) the Director of the ACTION Agency; (B) the Commissioner of the Administration on Aging; (C) a representative designated by the Secretary of Defense; (D) a representative designated by the Secretary of Labor; (E) the Chairman of the Federal Communications Commission; (F) the Director of the Health Resources Administration; (G) the Chairman of the National Council for the Arts; (H) the Chairman of the National Endowment for the Humanities; (I) the Director of the National Institute of Alcohol and Alcohol Abuse; (J) the Director of the National Institute of Drug Abuse; (K) the Director of the National Institute of Education; (L) the Director of the National Institute of Health; (M) the Director of the National Institute of Mental Health; (N) the Director of the National Science Foundation; (O) the Director of the Office of Consumer Affairs of the Department of Health, Education, and Welfare; (P) the Director of the Office of Child Development of the Department of Health, Education, and Welfare; and (Q) the Commissioner of Education.

(3) The President shall designate the Director of the Institute to be the Chairman of the Federal Council.

(4) The President may alter the membership of the Federal Council from time to time as he considers necessary to meet changes in Federal programs or in the organization of the executive branch of the Federal Government.

(5) The Federal Council shall—

(A) advise, and consult with, the Director of the Institute with respect to major problems arising in connection with carrying out the purposes of the Institute;

(B) coordinate to the extent practicable, by advice and consultation, the policies and operations of the Institute, including the joint support of activities, to the extent such joint support is appropriate;

(C) promote coordination between the programs and activities of the Institute and related programs and activities of other Federal agencies;

(D) make an annual report to Congress and the President on the status of educational research and development in the United States, including (i) a catalog of federally assisted programs in educational research and development; (ii) a report of the most significant findings of such research and development; and (iii) recommendations with respect to the manner in which such Federal research and development efforts may be improved; and

(E) make recommendations to Congress and the President with respect to effective means for the dissemination throughout the United States of information relating to educational research and development, and carry out an assessment of existing efforts used by Federal agencies for the dissemination of such information.".

[Technical and Miscellaneous Amendments Made by Title III of H.R. 12835]

EDUCATION AMENDMENTS OF 1974

* * * * * * *

TITLE I—AMENDMENTS TO THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

AMENDMENTS TO TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965—SPECIAL EDUCATIONAL PROGRAMS AND PROJECTS FOR EDUCATIONALLY DEPRIVED CHILDREN

SEC. 101. (a)(1) * * *

* * * * * * *

(3) Section 121, *122, and 123* of such title I and all references thereto are redesignated as section 126, *127, and 128, respectively.*

* * * * * * *

SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES; GUIDANCE, COUNSELING, AND TESTING

SEC. 103. (a)(1) The first sentence of section 301(b) of the Elementary and Secondary Education Act of 1965 is amended by inserting before the period at the end thereof the following: ", and each of the five succeeding fiscal years, except that no funds are authorized to be appropriated for obligation by the Commissioner during any year for which funds are available for obligation by the Commissioner for carrying out part C of title IV".

(2) The second sentence *of section 301(b)* of such Act is amended by inserting before the period at the end thereof the following: "**[**, and each of the five succeeding fiscal years**]**, except that no funds are autorized to be appropriated for obligation by the Commissioner during any year for which funds are available for obligation by the Commissioner for carrying out part C of title IV".

* * * * * * *

TITLE III—FEDERAL IMPACT AID PROGRAMS

* * * * * * *

AMENDMENTS TO SECTIONS 3, 5, AND 7 OF PUBLIC LAW 874, EIGHTY-FIRST CONGRESS

SEC. 305. (a)(1) * * *

* * * * * * *

(3) Section 7(c) of such Act is amended by striking out the second sentence thereof and inserting in lieu thereof the following: "Pending such appropriation, the Commissioner is authorized to expend (without regard for subsections (a) and (e) of section 3679 of the Revised Statutes (31 U.S.C. 665)) from any funds appropriated to the Office of Education and at that time available to the Commissioner, such sums as may be necessary for providing immediate assistance

under this section. Expenditures pursuant to the preceding sentence shall—

"(1) be reported by the Commissioner to the Committees on Appropriations and Education and Labor of the House of Representatives and the Committees on Appropriations and Labor and Public Welfare of the Senate within thirty days of the expenditure;

"(2) be reimbursed from the appropriations authorized by the first sentence of this subsection.

The report required to the Committees on Appropriations by clause (1) in the preceding sentence shall constitute a budget estimate within the meaning of section 201(a)(5) of the Act of June 10, 1921 (31 U.S.C. 11(a)(5)).".

(*b*)(*1*) The amendments made by paragraphs (1) and (2) of subsection (a) shall be effective on and with respect to appropriations for fiscal years beginning on and after July 1, 1975, and the amendments made by paragraph (3) of subsection (a) shall be effective upon enactment of this Act.

* * * * * * *

TITLE IV—CONSOLIDATION OF CERTAIN EDUCATION PROGRAMS

* * * * * * *

CONSOLIDATION OF CERTAIN FEDERALLY OPERATED EDUCATION PROGRAMS

SEC. 402. (a)(1) * * *

* * * * * * *

(2) The title of such Act of July [24] *26*, 1954, is amended to read as follows: "An Act to authorize special projects, surveys, and studies by the Office of Education.".

* * * * * * *

COMMUNITY SCHOOLS

SEC. 405. (a) This section may be cited as the "Community Schools Act".

(b) In recognition of the fact that the school, as the prime educational institution of the community, is most effective when the school involves the people of that community in a program designed to fulfill their education needs, and that community education promotes a more efficient use of public education facilities through an extension of school buildings and equipment, it is the purpose of this section to provide educational, recreational, cultural, and other related community services, in accordance with the needs, interests, and concerns of the community, through the establishment of the community education program as a center for such activities in cooperation with other community groups.

(c) For purposes of this section and subparagraph (C) of section 402(b)(3), a "community education program" is a program in which a public building, including but not limited to a public elementary or secondary school or a community or junior college, is used as a community center operated in conjunction with other groups in the community, community organizations, and local governmental agencies, to provide educational, recreational, cultural, and other related community services for the community that center serves in accordance with the needs, interests, and concerns of that community. Nothing in this section shall be construed to prohibit any applicant under this section from carrying out any activity with funds derived from other sources.

(d)(1) In order to carry out the purposes and provisions of this section, the Commissioner is authorized to make grants to State educational agencies and to local educational agencies to pay the Federal share of the cost of planning, establishing, expanding, and operating community education programs.

(2) Fifty percent of the funds made available pursuant to clause (1) of subsection (i) shall be available for grants to State educational agencies. The remainder of such funds shall be available for grants to local educational agencies.

(3) For the purpose of paragraph (1) of this subsection, the Federal share shall be—

(A) 80 per centum of a program to establish a new community education program,

(B) 65 per centum of a program to expand or improve a community education program for the first year in which such program is assisted under this section, and 55 per centum in any fiscal year thereafter, and

(C) 40 per centum of a program to maintain or carry out a community education program.

(4) Any State or local educational agency desiring to receive a grant under this section for any fiscal year shall submit an application to the Commissioner at such time, in such manner, and in such form as the Commissioner shall prescribe by regulation. Each such application shall contain provisions—

(A) assuring that local community colleges, social, recreational, and health groups will be consulted with respect to programs to be offered and facilities to be used for the purpose of this section;

(B) assuring that the applicant will pay from non-Federal sources the remaining costs of carrying out the application; and

(C) containing a description of each community education program for which assistance is sought in sufficient detail to apply the appropriate Federal share specified in clause (3) of this subsection.

The Commissioner shall not approve an application submitted by a local educational agency unless the State educational agency of the State in which that local educational agency is located has been given an opportunity to review, and make comment on, such application.

(e) The Commissioner is authorized to make grants to institutions of higher education to develop and establish, or to expand, programs which will train persons to plan and operate community education programs.

(f)(1) The Commissioner shall establish or designate a clearinghouse to gather and disseminate information received from community education programs, including but not limited to information regarding new programs, methods to encourage community participation, and ways of coordinating community education programs with other community services. The Commissioner is authorized to contract with public or private agencies or organizations to establish and operate the clearinghouse.

(2) The Commissioner shall make available to each community education program such technical assistance and information as the program may require, and such technical assistance shall be coordinated with the national clearinghouse.

(g)(1) There is established, subject to part D of the General Education Provisions Act, in the Office of the Commissioner, a Community Education Advisory Council (referred to in this section as the "Advisory Council") to be composed of eleven members. The members of the Advisory Council shall be appointed by the Secretary.

(2) A substantial number of the members of the Advisory Council shall be persons experienced in the operation of community education programs and the training of such persons. The Council shall include representatives from various disciplines involved in providing services in community school programs.

[(f)(1) The Commissioner shall establish or designate a clearing-]

(3) Appointments to the Advisory Council shall be completed within three months after enactment of this section.

* * * * * * *

CAREER EDUCATION

SEC. 406. (a) * * *

* * * * * * *

(e) The Commissioner shall conduct a survey and assessment of the current status of career education programs, projects, curriculums, and materials in the United States and submit to the Congress, not later than [November 1, 1975] *May 1, 1976*, a report on such survey and assessment. Such report shall include recommendations of the Advisory Council created under subsection (g) for new legislation designed to accomplish the policies and purposes set forth in subsections (a) and (b). In exercising his authority under clauses (ii)(III) and (ii)(V) of section 434(b)(1)(A) of the General Education Provisions Act, for any fiscal year, the Commissioner shall require State educational agencies and local educational agencies to report on their efforts to prepare students for gainful or maximum employment.

* * * * * * *

(g)(1) Subject to part D of the General Education Provisions Act and within ninety days after the enactment of this section, there is established a National Advisory Council for Career Education which shall be composed of—

(A) the Assistant Secretary of Health, Education, and Welfare for Education, the Commissioner of Education, the Director of the Office of Career Education, the Director of the National Institute of Education, the Administrator of the National Center for Education Statistics, the Director of the National Science Foundation, the Chairman of the National Foundation for the Arts, the

Chairman of the National Foundation for the Humanities, the Chairman of the National Advisory Council for Vocational Education, all of whom shall serve in a nonvoting ex officio capacity; and

(B) not less than twelve public members broadly representative of the fields of education, the arts, the humanities, the sciences, community services, business and industry, and the general public, a majority of whom shall be engaged in education or education-related professions.

(2) The public members shall be appointed by the Secretary. The Secretary shall select the Chairman from among the public members. The members shall serve for terms of three years with not more than four seats rotating in any one year. The Commissioner shall provide such staff and funds for the Council as deemed necessary and such staff and funds shall be in addition to those provided elsewhere in this title.

(3) The duties of the Council shall be to advise the Commissioner on the implementation of this section and carry out such advisory functions as it deems appropriate, including reviewing the operation of this section and all other programs of the Division of Education pertaining to the development and implementation of career education, evaluating their effectiveness in meeting the needs of career education throughout the United States, and in determining the need for further legislative remedy in order that all citizens may benefit from the purposes of career education as prescribed in this section.

(4) The Council with the assistance of the Commissioner shall conduct a survey and assessment of the current status of career education programs, projects, curricula, and materials in the United States and submit to Congress, not later than **[**November 1, 1975**]** *May 1, 1976*, a report on such survey and assessment. Such report shall include recommendations of the Council for new legislation designed to accomplish the policies and purposes set forth in subsections (a) and (b).

* * * * * * *

WOMEN'S EDUCATIONAL EQUITY

SEC. 408. (a) This section may be cited as the "Women's Educational Equity Act of 1974."

(b)(1) The Congress hereby finds and declares that educational programs in the United States (including its possessions), as presently conducted, are frequently inequitable as such programs relate to women and frequently limit the full participation of all individuals in American society.

(2) It is the purpose of this section to provide educational equity for women in the United States.

(c) As used in this section, the term "Council" means the Advisory Council on Women's Educational Programs.

(d)(1) The Commissioner is authorized to make grants to, and enter into contracts with, public agencies and private nonprofit organizations and with individuals for activities designed to carry out the purposes of this section at all levels of education, including preschool, elementary and secondary education, higher education, and adult education. These activities shall include—

(A) the development, evaluation, and dissemination by the applicant of curricula, textbooks, and other educational materials related to educational equity;

(B) preservice and inservice training for educational personnel including guidance and counseling with special emphasis on programs and activities designed to provide educational equity;

(C) research, development, and educational activities designed to advance educational equity;

(D) guidance and counseling activities, including the development of nondiscriminatory tests, designed to assure educational equity;

(E) educational activities to increase opportunities for adult women, including continuing educational activities and programs for underemployed and unemployed women;

(F) the expansion and improvement of educational programs and activities for women in vocational education, career education, physical education and educational administration.

(2) A grant may be made and a contract may be entered into under this section only upon application to the Commissioner, at such time, in such form, and containing or accompanied by such information as the Commissioner may prescribe. Each such application shall—

(A) provide that the program or activity for which assistance is sought will be administered by or under the supervision of the applicant;

(B) describe a program for carrying out one of the purposes set forth in subsection [(a)] *(d)(1)* which holds promise of making a substantial contribution toward attaining such purposes; and

(C) set forth policies and procedures which insure adequate evaluation of the activities intended to be carried out under the application.

[(3) The Commissioner shall approve applicants and amendments thereto which meet the requirements of paragraph (2).]

[(4)]*(3)* Nothing in this section shall be construed as prohibiting men from participating in any programs or activities assisted under this section.

(e) In addition to the authority of the Commissioner under subsection (d), the Commissioner shall carry out a program of small grants, not to exceed $15,000, each, in order to support innovative approaches to achieving the purpose of this section; and for that purpose the Commissioner is authorized to make grants to public and private nonprofit agencies and to individuals.

(f)(1) There is established in the Office of Education an Advisory Council on Women's Educational Programs. The Council shall be composed of—

(A) seventeen individuals, some of whom shall be students, who shall be appointed by the President, by and with the advice and consent of the Senate, from among individuals broadly representative of the general public who, by virtue of their knowledge or experience, are versed in the role and status of women in American society;

(B) the Chairman of the Civil Rights Commission;

(C) the Director of the Women's Bureau of the Department of Labor; and

(D) the Director of the Women's Action Program of the Department of Health, Education, and Welfare.

The Council shall elect its own Chairman *from among the members indicated in clause (A)*.

(2) The term of office of each member of the Council appointed under clause (A) of paragraph (1) shall be three years, except that—

(A) the members first appointed under such clause shall serve as designated by the President, six for a term of one year, five for a term of two years, and six for a term of three years; and

(B) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term.

(3) The Council shall—

(A) advise the Commissioner with respect to general policy matters relating to the administration of this section;

(B) advise and make recommendations to the Assistant Secretary concerning the improvement of educational equity for women;

(C) make recommendations to the Commissioner with respect to the allocation of any funds pursuant to this section, including criteria developed to insure an appropriate geographical distribution of approved programs and projects throughout the Nation; and

(D) develop criteria for the establishment of program priorities.

(4) From the sums available for the purposes of this section, the Commissioner is authorized and directed to conduct a national, comprehensive review of sex discrimination in education, to be submitted to the Council not later than **[**a year**]** *twenty months* after the date of enactment of this section. The Council shall review the report of the Commissioner and shall make such recommendations, including recommendations for additional legislation, as it deems advisable.

(5) The provisions of part D of the General Education Provisions Act shall apply with respect to the Council established under this subsection.

[(f)**]** *(g)* The Commissioner is directed, at the end of each fiscal year to submit to the President and the Congress and to the Council a report setting forth the programs and activities assisted under this section, and to provide for the distribution of this report to all interested groups and individuals, including the Congress, from funds authorized under this section. After receiving the report from the Commissioner, the Council shall evaluate the programs and projects assisted under this section and include such evaluation in its annual report.

(h) For the purpose of carrying out this section the Commissioner is authorized to expend not to exceed $30,000,000 for each fiscal year prior to July 1, 1978.

* * * * * * *

TITLE V—EDUCATION ADMINISTRATION

* * * * * * *

SIMPLIFIED STATE APPLICATION

SEC. 511. (a) * * *

* * * * * * *

(b)(1) The amendments made by subsection (a) shall be effective on and after July 1, [1974] *1975*.

(2) Nothing in the amendment made by subsection (a) shall be construed to affect the applicability of chapter 5 of title 5, United States Code, to the Office of Education or actions by the Commissioner.

* * * * * * *

APPOINTMENT OF MEMBERS OF AND FUNCTIONING OF ADVISORY COUNCILS

SEC. 516. (a) Section 443 of the General Education Provisions Act is amended by inserting "(a)" after "Sec. [433] *443*." and by adding at the end thereof the following:

"(b) Where the President fails to appoint a member to fill a vacancy in the membership of a Presidential advisory council within sixty days after it occurs (or after the effective date of the statute creating such council), then the Secretary shall immediately appoint a member to fill such vacancy.".

(b) The amendment made by subsection (a) shall be effective upon enactment of this Act.

* * * * * * *

TITLE VI—EXTENSION AND REVISION OF RELATED ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

* * * * * * *

PART B—EDUCATION OF THE HANDICAPPED

* * * * * * *

BUREAU FOR THE EDUCATION AND TRAINING OF THE HANDICAPPED

SEC. 612. (a) * * *

* * * * * * *

(b)(1) The positions created by subsection (b) of section 603 of the Education of the Handicapped Act shall be in addition to the number of positions placed in the appropriate grades under section 5108 of title 5, United States Code, and such positions shall be in addition to, and without prejudice against, the number of positions otherwise placed in the Office of Education under such section 5108 or under other law. Nothing in this section shall be deemed as limiting the Commissioner from assigning additional General Schedule positions in grades 16, 17, and 18 to the [Office] *Bureau* should he determine such additions to be necessary to operate programs for educating handicapped children authorized by this Act.

(2) The amendments made by subsection (a) shall become effective upon the enactment of this Act.

* * * * * * *

AMENDMENT RELATING TO NONPROFIT GROUPS

SEC. 645. Section 708(b) of the [Elementary] *Emergency* School Aid Act is amended by striking out "706(a)" both times it appears in such section and inserting in lieu thereof "706" in each instance.

* * * * * * *

PART E—NATIONAL DEFENSE EDUCATION ACT

EXTENSION OF TITLE III

[SEC. 651. (a) Section 301 of the National Defense Education Act of 1958 is amended by striking out "1975" both times it appears and inserting "1977" in lieu thereof, by striking out "for the fiscal year ending" after "$130,500,000" in the first sentence, and by inserting in lieu thereof "for each of the fiscal years ending prior to", and by adding at the end thereof the following new sentence: "Notwithstanding the preceding two sentences, no funds are authorized to be appropriated for obligation during any year for which funds are available for obligation for carrying out part B of title IV of the Elementary and Secondary Education Act of 1965."]

SEC. 651. (a) Section 301 of the National Defense Education Act of 1958 is amended by striking out "1975" both times it appears and inserting "1978" in lieu thereof, and by adding at the end thereof the following new sentence: "Notwithstanding the preceding two sentences, no funds are authorized to be appropriated for obligation during any year for which funds are available for obligation for carrying out part B of title IV of the Elementary and Secondary Education Act of 1965."

* * * * * * *

TITLE VIII—MISCELLANEOUS PROVISIONS

* * * * * * *

PART B—EDUCATIONAL STUDIES AND SURVEYS

STUDY OF PURPOSES AND EFFECTIVENESS OF COMPENSATORY EDUCATION PROGRAMS

SEC. 821. (a) * * *

* * * * * *

(c) [The Institute shall make an interim report to the President and to the Congress not later than December 31, 1976, and shall make a final report thereto no later than nine months after the date of submission of such interim report, on the result of its study conducted under this section.] *The Institute shall make interim reports to the President and to the Congress not later than December 31, 1976, and September 30, 1977, and shall make a final report thereto no later than September 30, 1978, on the result of its study conducted under this section.* Any other provision of law, rule, or regulation to the contrary notwithstanding, such reports shall not be submitted to any review outside of the Institute before their transmittal to the Congress, but the President and the Commissioner of Education may make to the Congress such recommendations with respect to the contents of the reports as each may deem appropriate.

* * * * * * *

SURVEY AND STUDY FOR UPDATING NUMBER OF CHILDREN COUNTED

SEC. 822. (a) The Secretary of Commerce shall, in consultation with the Secretary of Health, Education, and Welfare, expand the current population survey (or make such other survey) in order to furnish current data for each State with respect to the total number of school-age children in each State to be counted for purposes of section 103(c)(1)(A) of title I of the Elementary and Secondary Act of 1965. Such survey shall be made, and a report of the results of such survey shall be made jointly by the Secretary of Commerce and the Secretary of Health, Education, and Welfare to the Congress, not later than [one year after the date of the enactment of this Act] *December 31, 1976.*

(b) The Secretary of Health, Education, and Welfare and the Secretary of Commerce shall study the feasibility of updating the number of children counted for purposes of section 103(c) of title I of the Act in school districts of local educational agencies in order to make adjustments in the amounts of the grants for which local educational agencies within a State are eligible under section 103(a)(2) of the Act, and shall report to the Congress, no later than [one year after the date of enactment of this Act] *six months after the completion of the survey authorized by subsection (a)*, the results of such study, which shall include an analysis of alternative methods for making such adjustments, together with the recommendations of the Secretary of Health, Eduaction, and Welfare and the Secretary of Commerce with respect to which such method or methods are most promising for such purpose, together with a study of the results of the expanded population survey, authorized in subsection (a) (including analysis of its accuracy and the potential utility of data derived therefrom) for making adjustments in the amounts paid to each State under section 144(a)(1) of title I of such Act.

(c) No method of making adjustments directed to be considered pursuant to subsection (a) or subsection (b) shall be implemented unless such method shall first be enacted by the Congress.

STUDY OF THE MEASURE OF POVERTY USED UNDER TITLE I OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

SEC. 823. The Assistant Secretary shall supervise, with the full participation of the National Institute of Education and the National

Center for Education Statistics, a thorough study of the manner in which the relative measure of poverty for use in the financial assistance program authorized by title I of the Elementary and Secondary Education Act of 1965 may be more accurately and currently developed. The study of the relative measure of poverty required by this subsection shall be adjusted for regional, climatic, metropolitan, urban, suburban, and rural differences and for family size and head of household differences. The study required by this section shall consider—

(A) the availability of data more current than the decennial census including data collected by any agency of the Federal Government which are relevant except that data so collected shall not disclose the name of any individual or any other information customarily held confidential by that agency, but shall include aggregate information to the extent possible;

(B) the availability and usefulness of cost of living data;

(C) the availability and usefulness of cost of housing data;

(D) the availability and usefulness of labor market and job availability data;

(E) the availability and usefulness of data with respect to prevailing wage rates, unemployment rates, and income distribution; and

(F) the availability of data with respect to eligibility criteria for aid to families with dependent children under a State plan approved under title IV of the Social Security Act.

(2) The Assistant Secretary is authorized and directed to prepare and submit to the Congress not later than [one year after the effective date of this Act] *December 31, 1975* a report of the study conducted under this subsection including recommendations with respect to the availability of data designed to improve the relative measure of poverty for the program of financial assistance authorized by title I of the Elementary and Secondary Education Act of 1965. Whenever the Assistant Secretary determines that data specified in paragraph (1) of this subsection are not available or that it is impractical to obtain data for each relevant area or category, the report shall contain an explanation of the reasons therefor.

STUDY OF LATE FUNDING OF ELEMENTARY AND SECONDARY EDUCATION PROGRAMS

SEC. 824. (a) The Commissioner shall make a full and complete investigation and study to determine—

(1) the extent to which late funding of Federal programs to assist elementary and secondary education handicaps local educational agencies in the effective planning of their education programs, and the extent to which program quality and achievement of program objectives is adversely affected by such late funding, and

(2) means by which, through legislative or administrative action, the problem can be overcome.

(b) Not later than [one year after the date of enactment of this Act] *January 1, 1976*, the Commissioner shall make a report to the Congress on the study required by subsection (a), together with such recommendations as he may deem appropriate.

SAFE SCHOOL STUDY

SEC. 825. (a) The Secretary shall make a full and complete investigation and study, including necessary research activities, during the period beginning upon the date of enactment of this Act and ending June 30, 1976, to determine—

(1) the frequency, seriousness, and incidence of crime in elementary and secondary schools in the States;

(2) the number and location of schools affected by crime;

(3) the per-pupil average incidence of crimes in elementary and secondary schools in urban, suburban, and rural schools located in all regions of the United States;

(4) the cost of replacement and repair of facilities, books, supplies, equipment, and other tangible objects seriously damaged or destroyed as the result of crime in such schools; and

(5) the means by which crimes are attempted to be prevented in such schools and the means by which crimes may more effectively be prevented in such schools.

(b) [Within thirty days after the date of the enactment of this Act, the Secretary shall request each State educational agency to take the steps necessary to establish and maintain appropriate records to facilitate the compilation of information under clauses (2) and (3) of subsection (a) and to submit such information to him no later than seven months after the date of enactment of this Act.] *The Secretary shall request each State educational agency to take the steps necessary to establish and maintain appropriate records to facilitate the compilation of information specified in subsection (a) and to submit such information to him no later than June 1, 1976.* In conducting this study, the Secretary shall utilize data and other information available as a result of any other studies which are relevant to the objectives of this section.

STUDY OF ATHLETIC INJURIES

SEC. 826. (a) The Secretary shall make a full and complete investigation and study *of a representative sample of schools* to determine—

(1) the number of athletic injuries to, and deaths of male and female students occurring in athletic competition between schools, in any practice session for such competition, and in any other school-related athletic activities for the twelve-month period beginning [sixty days after the date of enactment of this Act;] *July 1, 1975;*

(2) the number of athletic injuries and deaths occurring (for the twelve-month period under clause (1)) at each school with an athletic trainer or other medical or health professional personnel trained to prevent or treat such injuries and at each school without such personnel.

(b) [Within fifty days after the date of enactment of this Act, the] *The* Secretary shall request each school to maintain appropriate records to enable it to compile information under subsection (a) and shall request such school to submit such information to the Secretary immediately after the twelve-month period beginning [sixty days after the date of enactment of this Act] *July 1, 1975*. Not later than eighteen months after [the date of enactment of this Act,] *such date*, the Secretary shall make a report to the Congress on the study required by subsection (a), together with such recommendations as he may deem appropriate. In such report, all information required under each paragraph of subsection (a) shall be stated separately for the two groups of schools under clauses (1) and (2) of subsection (c), except that the information shall also be stated separately (and shall be excluded from the group under clause (2)) for institutions of higher education which provide either of the two-year programs described in section 801(E)(3) of the Elementary and Secondary Education Act of 1965.

* * * * * * *

COMMUNITY COLLEGE AND OCCUPATIONAL EDUCATION AMENDMENT

Sec. 837. Section 1001(b)(1) *of the Higher Education Act of 1975* is amended by striking out "1974" and inserting in lieu thereof "1975".

* * * * * * *

EXTENSION OF ADVISORY COUNCILS

Sec. 845. (a) Section 148(c) of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new sentence: "Subject to section 448(b) of the General Education Provisions Act, the National Council shall continue to exist until July 1, 1978."

(b) Section 309(c) of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new sentence: "Subject to section 448(b) of the General Education Provisions Act, the Council shall continue to exist until July 1, 1978, except that the Council shall not exist during any year for which funds are available for obligation by the Commissioner for carrying out title IV.".

(c) Section [708] *732*(a) of the Elementary and Secondary Education Act of 1965 is amended by adding at the end thereof the following new sentence: "Subject to section 448(b) of the General Education Provisions Act, the Advisory Committee shall [continued] *continue* to exist until July 1, 1978.".

* * * * * * *

(f) Section [310] *311*(b) of the Adult Education Act is amended by adding at the end thereof the following new sentence: "Subject to section 448(b) of the General Education Provisions Act, the Council shall continue to exist until July 1, 1978.".

* * * * * * *

ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

TITLE I—FINANCIAL ASSISTANCE TO LOCAL EDUCATIONAL AGENCIES FOR THE EDUCATION OF CHILDREN OF LOW-INCOME FAMILIES

* * * * * * *

MINIMUM PAYMENTS FOR STATE-OPERATED PROGRAMS

SEC. 125. Except as provided in section 843 of the Education Amendments of 1974, no State [agency] shall receive in any fiscal year prior to July 1, 1978, pursuant to sections 121. 122, or 123 an amount which is less than 100 per centum of the amount which that State [agency] received in the prior fiscal year pursuant to such section 121, 122, or 123, respectively.

PART B—SPECIAL INCENTIVE GRANTS

MAXIMUM ENTITLEMENT

SEC. 126. (a) In the case of any fiscal year ending after June 30, 1969, each State shall be entitled to a special incentive grant if such State has an effort index for the second preceding fiscal year that exceeds the national effort index for such year.

(b) The maximum amount of a special incentive grant for which a State is eligible for any fiscal year shall be determined by multiplying the amount of $1 for each 0.01 per centum by which the effort index of that State for the second preceding fiscal year exceeds the national effort index for such year times the aggregate number of children counted for the purposes of entitled local educational agencies within such State to basic grants in accordance with [clauses (2), (5), (6), and (7) of section 103(a).] *sections 103(a)(2), 121, 122, and 123*, except that no State shall be eligible to receive a special incentive grant under this part, in an amount in excess of 15 per centum of the total amount available for grants under this part.

* * * * * * *

PART D—GENERAL PROVISIONS

APPLICATION

SEC. 141. (a) A local educational agency may receive a grant under this title for any fiscal year only upon application therefor approved by the appropriate State educational agency, upon its determination (consistent with such basic criteria as the Commissioner may establish)—

(1) * * *

* * * * * * *

(13) That, where a school attendance area does not meet the requirement of paragraph (1)(A) of this subsection for a fiscal year, or in the case of a local educational agency electing to allocate funds under section [140.] *150*, where such an area does not meet the requirement of that section, but did meet the appropriate requirement in either

of the two preceding fiscal years, that school attendance area shall be considered to meet the applicable criterion for the fiscal year; and

(14) That the local educational agency shall establish an advisory council for the entire school district and shall establish an advisory council for each school of such agency served by a program or project assisted under section 143(a)(2), each of which advisory councils—

(A) has as a majority of its members parents of the children *eligible* to be served,

(B) is composed of members selected by the parents in each school attendance area,

(C) has been given responsibility by such agency for advising it in the planning for, and the implementation and evaluation of, such programs and projects, and

(D) is provided by such agency, in accordance with regulations of the Commissioner, with access to appropriate information concerning such programs and projects.

* * * * * * *

PAYMENT

SEC. 143. (a)(1) * * *

* * * * * * *

(c)(1) No payments shall be made under this title for any fiscal year to a State which has taken into consideration payments under this title in determining the eligibility of any local educational agency in that State for State aid, or the amount of that aid, with respect to the free public education of children during that year or the preceding fiscal year.

(2) No payments shall be made under this title to any local educational agency for any fiscal year unless the State educational agency finds that the combined fiscal effort *per student* (as determined in accordance with regulations of the Commissioner) of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort *per student* for that purpose for the second preceding fiscal year.

* * * * * * *

PROGRAM EVALUATION

SEC. 151. (a) * * *

* * * * * * *

(g) The Commissioner shall make a report to the respective committees of the Congress having legislative jurisdiction over programs authorized by this title and the respective Committees on Appropriations concerning his progress in carrying out this section not later than [January 31,] *February 1*, 1975, and thereafter he shall report to such committees no later than [January 31] *February 1* of each calendar year the results of the evaluations of programs and projects required under this section, which shall be comprehensive and detailed, as up-to-date as possible, and based to the maximum extent possible on objective measurements, together with any other related findings and evaluations, and his recommendations with respect to legislation.

* * * * * * *

(i) The Commissioner is authorized, out of funds appropriated to carry out this title in any fiscal year, to expend such sums as may be necessary to carry out the provisions of this section. but not to exceed one-half of 1 per centum of the amount appropriated for such program, of which $5,000,000 for each fiscal year ending prior to July 1, 1977, shall be available only for the surveys and studies authorized by section 821 of the Education Amendments of 1974. *In carrying out the provisions of this section, the Commissioner shall place priority on assisting States and local educational agencies to conduct evaluations and shall, only as funds are available after fulfilling that purpose, seek to conduct any national evaluations of the program.*

* * * * * * *

TITLE II—SCHOOL LIBRARY RESOURCES, TEXTBOOKS AND OTHER INSTRUCTIONAL MATERIALS

* * * * * * *

PAYMENTS TO STATES

SEC. 204. (a) From the amounts allotted to each State under section 202 the Commissioner shall pay to that State an amount equal to the amount expended by the State in carrrying out its State plan. Such payments may be made in installments, and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(b) In any State which has a State plan approved under section 203(b) and in which no State agency is authorized by law to provide library resources, textbooks, or other printed and published instructional materials for the use of children and teachers in any one or more elementary or secondary school in such State, the Commissioner shall arrange for the provision on an equitable basis of such library resources, textbooks, or other instructional materials for such use and shall pay the cost thereof for any fiscal year ending prior to July 1, **[**1973,**]** *1978,* out of that State's allotment.

* * * * * * *

TITLE III—SUPPLEMENTARY EDUCATIONAL CENTERS AND SERVICES; GUIDANCE, COUNSELING, AND TESTING

APPROPRIATIONS AUTHORIZED

SEC. 301. (a) * * *

* * * * * * *

PAYMENTS

SEC. 307. (a) From the allotment to each State pursuant to section 302, for any fiscal year, the Commissioner shall pay to each State, which has had a plan approved pursuant to section 305 for that fiscal year, the amount necessary to carry out its State plan as approved.

(b) The Commissioner is authorized to pay to each State amounts necessary for the activities described in section 303(c), during any fiscal year, except that (1) the total of such payments shall not be in excess of an amount equal to 7½ per centum of its allotment for that fiscal year or, $150,000 ($50,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater, and (2) in such payment, the amount paid for the administration of the State plan for any fiscal year shall not exceed an amount equal to 5 per centum of its allotment for that fiscal year of $100,000 ($35,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), whichever is greater.

(c) The Commissioner shall pay to each applicant which has an application approved pursuant to section 306 the amount necessary to carry out the program or project pursuant to such application.

(d) Payments under this section may be made in installments and in advance or by way of reimbursement, with necessary adjustments on account of overpayments or underpayments.

(e) No payments shall be made under this title to any local educational agency or to any State unless the Commissioner finds, in the case of a local educational agency, that the combined fiscal effort *per student* of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort *per student* for that purpose for the second preceding fiscal year or, in the case of a State, that the fiscal effort of that State for State aid (as defined by regulation) with respect to the provision of free public education in that State for the preceding fiscal year was not less than such fiscal effort for State aid for the second preceding fiscal year.

TITLE IV—LIBRARIES, LEARNING RESOURCES, EDUCATIONAL INNOVATION, AND SUPPORT

PART A—GENERAL PROVISIONS

AUTHORIZATION OF APPROPRIATIONS

SEC. 401. (a)(1) * * *

* * * * * * *

(d) There are authorized to be appropriated for obligation by the Commissioner during the fiscal year ending September 30, 1978, such sums as may be necessary for the purpose of increasing the allotment under section 402(a)(2) for that year to any State to a level of funding which equals the amount of funds received by that State for the fiscal year ending June 30, 1974, for programs under title II, title III, title V, and sections 807 and 808 of this Act, and title III (except for section 305) of the National Defense Education Act of 1958.

* * * * * * *

STATE PLANS

SEC. 403. (a) Any State which desires to receive grants under this title shall establish an advisory council as provided by subsection (b) and shall submit to the Commissioner a State plan, in such detail as the Commissioner deems necessary, which—

(1) * * *

*   *   *   *   *   *   *

(8) provides—

(A) that, of the funds the State receives under section 401 for the first fiscal year for which such funds are available, such agency will use for administration of the State plan not to exceed whichever is greater (i) 5 per centum of the amount so received ($50,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), excluding any part of such amount used for purposes of section *section 421(a)(3)(C)* 431(a)(3), or (ii) the amount it received for the fiscal year ending June 30, 1973, for administration of the programs referred to in sections 421(b) and 431(b), and that the remainder of such funds shall be made available to local educational agencies to be used for the purposes of parts B and C, respectively; and that, of the funds the State receives under section 401 for fiscal years thereafter, it will use for administration of the State plan not to exceed whichever is greater (i) 5 per centum of the amount so received ($50,000 in the case of Guam, American Samoa, the Virgin Islands, and the Trust Territory of the Pacific Islands), excluding any part of such amount used for purposes of section *section 421(a)(3)(C)* 431(a)(3), or (ii) $225,000 and that the remainder of such funds shall be made available to local educational agencies to be used for purposes of parts B and C, respectively.

(B) that not less than 15 per centum of the amount received pursuant to section 401(b) in any fiscal year (not including any amount used for purposes of section 431(a)(3)) shall be used for special programs or projects for the education of children with specific learning disabilities and handicapped children, [and]

(C) that not more than 2 per centum of the amount which such State receives pursuant to section 401(a) in any fiscal year, for the purposes covered by section 421(a)(3)(C), may be used for purposes of section 421(a)(3)(C) (relating to guidance and counseling programs, projects, and leadership activities), and

[(C)] *(D)* that not more than the greater of (i) 15 per centum of the amount which such State receives pursuant to section 401(b) in any fiscal year, or (ii) the amount available by appropriation to such State in the fiscal year ending June 30, 1973, for purposes covered by section 431(a)(3), shall be used for purposes of section 431(a)(3) (relating to strengthening State and local educational agencies);

*   *   *   *   *   *   *

(11) gives satisfactory assurance that the aggregate amount *per student* to be expended by the State [and], its local educational agencies, *and private schools in such State* from funds derived

from non-Federal sources for programs described in [section 421 (a)] *sections 421(a) and 431(a)* for a fiscal year will not be less than the amount *per student* so expended for the preceding fiscal year.

* * * * * * *

(b)(1) The State advisory council, established pursuant to subsection (a), shall—

(A) be appointed by the State educational agency or as otherwise provided by State law and be broadly representative of the cultural and educational resources of the State (as defined in section 432) and of the public, including persons representative of—

(i) public and private elementary and secondary schools,

(ii) institutions of higher education, and

(iii) fields of professional competence in dealing with children needing special education because of physical or mental handicaps, specific learning disabilities, severe educational disadvantage, and limited English-speaking ability or because they are gifted or talented, and of professional competence in guidance and counseling;

(B) advise the State educational agency on the preparation of, and policy matters arising in the administration of, the State plan, including the development of criteria for the distribution of funds and the approval of applications for assistance under this title;

(C) evaluate all programs and projects assisted under this title; and

(D) prepare at least annually and submit through the State educational agency a report of its activities, recommendations, and evaluations, together with such additional comments as the State educational agency deems appropriate, to the Commissioner.

(2) Not less than ninety days prior to the beginning of any fiscal year for which funds will be available for carrying out this title, each State shall certify the establishment of, and membership of (including the name of the person designated as Chairman), its State advisory council to the Commissioner.

(3) Each State advisory council shall meet within thirty days after certification has been accepted by the Commissioner and establish the time, place, and manner of its future meetings, except that such council shall have not less than one public meeting each year at which the public is given an opportunity to express views concerning the administration and operation of this title.

(4) Each State advisory council shall be authorized to obtain the services of such professional, technical, and clerical personnel, and to contract for such other services as may be necessary to enable them to carry out their functions under this title, and the Commissioner shall assure that funds sufficient for these purposes are made available to each council from funds available for administration of the State plan.

(5) During the fiscal year preceding the first fiscal year for which funds are appropriated pursuant to any part of this title, the State educational agency may use administrative funds available to the

State under any program specified in section 401(c) for the purpose of carrying out the requirements of this subsection.

* * * * * * *

PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS

SEC. 406. (a) * * *

* * * * * * *

(e) If the Commissioner determines that a State or a local educational agency has substantially failed to provide for the participation on an equitable basis of children enrolled in private elementary and secondary schools as required by this section, he *may waive such requirements and* shall arrange for the provision of services to such children through arrangements which shall be subject to the requirements of this section.

* * * * * * *

PART C—EDUCATIONAL INNOVATION AND SUPPORT

PROGRAMS AUTHORIZED

SEC. 431. (a) The Commissioner shall carry out a program for making grants to the States (pursuant to State plans approved under section 403)—

(1) for supplementary educational centers and services to stimulate and assist in the provision of vitally needed educational services (including preschool education, special education, compensatory education, vocational education, education of gifted and talented children, and dual enrollment programs) not available in sufficient quantity or quality, and to stimulate and assist in the development and establishment of exemplary elementary and secondary school programs (including the remodeling, lease, or construction of necessary facilities) to serve as models for regular school programs;

(2) for the support of demonstration projects by local educational agencies [or private educational organizations] designed to improve nutrition and health services in public and private elementary and secondary schools serving areas with high concentrations of children from low-income families and such projects may include payment of the cost of (A) coordinating nutrition and health service resources in the areas to be served by a project, (B) providing supplemental health, mental health, nutritional, and food services to children from low-income families when the resources for such services available to the applicant from other sources are inadequate to meet the needs of such children, (C) nutrition and health programs designed to train professional and other school personnel to provide nutrition and health services in a manner which meets the needs of children from low-income families for such services, and (D) the evaluation of projects assisted with respect to their effectiveness in improving school nutrition and health services for such children;

(3) for strengthening the leadership resources of State and local educational agencies, and for assisting those agencies in the establishment and improvement of programs to identify and meet educational needs of States and of local school districts; and

(4) for making arrangements with local educational agencies for the carrying out by such agencies in schools which (A) are located in urban or rural areas, (B) have a high percentage of children from low-income families, and (C) have a high percentage of such children who do not complete their secondary school education, of demonstration projects involving the use of innovative methods, systems, materials, or programs which show promise of reducing the number of such children who do not complete their secondary school education.

* * * * * * *

TITLE VII—BILINGUAL EDUCATION PROGRAMS

* * * * * * *

PART B—ADMINISTRATION

OFFICE OF BILINGUAL EDUCATION

SEC. 731. (a) There shall be, in the Office of Education, an Office of Bilingual Education (hereafter in this section referred to as the "Office") through which the Commissioner shall carry out his functions relating to bilingual education.

(b)(1) The Office shall be headed by a Director of Bilingual Education, appointed by the Commissioner, to whom the Commissioner shall delegate all of his delegable functions relating to bilingual education.

(2) The Office shall be organized as the Director determines to be appropriate in order to enable him to carry out his functions and responsibilities effectively.

(c) The Commissioner, in consultation with the Council, shall prepare and, not later than November 1 of [1975,] *1976*, and [of 1977,] *February 1, 1978* shall submit to the Congress and the President a report on the condition of bilingual education in the Nation and the administration and operation of this title and of other programs for persons of limited English-speaking ability. Such report shall include—

(1) a national assessment of the educational needs of children and other persons with limited English-speaking ability and of the extent to which such needs are being met from Federal, State, and local efforts, including (A) not later than July 1, 1977, the results of a survey of the number of such children and persons in the States, and (B) a plan, including cost estimates, to be carried out during the five-year period beginning on such date, for extending programs of bilingual education and bilingual vocational and adult education programs to all such preschool and elementary school children and other persons of limited English-speaking

ability, including a phased plan for the training of the necessary teachers and other educational personnel necessary for such purpose;

(2) a report on and an evaluation of the activities carried out under this title during the preceding fiscal year and the extent to which each of such activities achieves the policy set forth in section 702(a);

(3) a statement of the activities intended to be carried out during the succeeding period, including an estimate of the cost of such activities;

(4) an assessment of the number of teachers and other educational personnel needed to carry out programs of bilingual education under this title and those carried out under other programs for persons of limited English-speaking ability and a statement describing the activities carried out thereunder designed to prepare teachers and other educational personnel for such programs, and the number of other educational personnel needed to carry out programs of bilingual education in the States and a statement describing the activities carried out under this title designed to prepare teachers and other educational personnel for such programs; and

(5) a description of the personnel, the functions of such personnel, and information available at the regional offices of the Department of Health, Education, and Welfare dealing with bilingual programs within that region.

NATIONAL ADVISORY COUNCIL ON BILINGUAL EDUCATION

SEC. 732. (a) Subject to part D of the General Education Provisions Act, there shall be a National Advisory Council on Bilingual Education composed of fifteen members appointed by the Secretary, one of whom he shall designate as Chairman. At least eight of the members of the Council shall be persons experienced in dealing with the educational problems of children and other persons who are of limited English-speaking ability, at least one of whom shall be representative of persons serving on boards of education operating programs of bilingual education. At least three members shall be experienced in the training of teachers in programs of bilingual education. At least two members shall be persons with general experience in the field of elementary and secondary education. At least two members shall be classroom teachers of demonstrated teaching abilities using bilingual methods and techniques. The members of the Council shall be appointed in such a way as to be generally representative of the significant segments of the population of persons of limited English-speaking ability and the geographic areas in which they reside.

(b) The Council shall meet at the call of the Chairman, but, notwithstanding the provisions of section 446(a) of the General Education Provisions Act, not less often than four times in each year.

(c) The Council shall advise the Commissioner in the preparation of general regulations and with respect to policy matters arising in the administration and operation of this title, including the development of criteria for approval of applications, and plans under this title, and the administration and operation of other programs for persons of limited English-speaking ability. The Council shall prepare and, not later than [November 1] *March 31* of each year, submit a report to the Congress and the President on the condition of bilingual education in the Nation and on the administration and operation of this title, including those items specified in section 731(c), and the administration and operation of other programs for persons of limited English-speaking ability.

* * * * * * *

PART C—SUPPORTIVE SERVICES AND ACTIVITIES

* * * * * * *

RESEARCH AND DEMONSTRATION PROJECTS

SEC. 742. (a) The National Institute of Education shall, in accordance with the provisions of section 405 of the General Education Provisions Act, carry out a program of research in the field of bilingual education in order to enhance the effectiveness of bilingual education programs carried out under this title and other programs for persons of limited English-speaking ability.

(b) In order to test the effectiveness of research findings by the National Institute of Education and to demonstrate new or innovative practices, techniques, and methods for use in such bilingual education programs, the Director *of the National Institute of Education* and the Commissioner are authorized to make competitive contracts with public and private educational agencies, institutions, and organizations for such purpose.

(c) In carrying out their responsibilities under this section, the Commissioner and the Director *of the National Institute of Education* shall, through competitive contracts with appropriate public and private agencies, institutions, and organizations—

(1) undertake studies to determine the basic educational needs and language acquisition characteristics of, and the most effective conditions for, educating children of limited English-speaking ability;

(2) develop, and disseminate instructional materials and equipment suitable for use in bilingual education programs; and

(3) establish and operate a national clearinghouse of information for bilingual education, which shall collect, analyze, and disseminate information about bilingual education and such bilingual education and related programs.

(d) In carrying out their responsibilities under this section, the Commissioner and the Director *of the National Institute of Education* shall provide for periodic consultation with representatives of State and local educational agencies and appropriate groups and organizations involved in bilingual education.

(e) There is authorized to be appropriated for each fiscal year prior to July 1, 1978, $5,000,000 to carry out the provisions of this section.

* * * * * * *

GENERAL EDUCATION PROVISIONS ACT

* * * * * * *

NATIONAL CENTER FOR EDUCATION STATISTICS

SEC. 406. (a) * * *

* * * * * * *

(g)(1) The amount available for salaries and expenses of the Center shall not exceed $5,000,000 for the fiscal year ending June 30, 1975, $10,000,000 for the fiscal year ending June 30, 1976, and $14,000,000 [for the fiscal year ending June 30, 1977] *for each of the fiscal years ending prior to October 1, 1978.*

(2) The amount available for grants and contracts by the Assistant Secretary under subsection (e) shall not exceed $20,000,000 for the fiscal year ending June 30, 1975, $25,000,000 for the fiscal year ending June 30, 1976, and $30,000,000 [for the fiscal year ending June 30, 1977] *for each of the fiscal years ending prior to October 1, 1978.*

(3) Sums appropriated for activities and expenses of the Center which are not limited by paragraph (2) of this subsection shall be appropriated apart from appropriations which are so limited, as separate line items.

(h)(1) The National Center for Education Statistics shall coordinate data collection and the formation and issuance of applications and all other reports for all applicable programs and for data and information requested by the Office for Civil Rights, in order to eliminate excessive detail or redundant information requests which may be involved in this information gathering. The National Center shall work with each bureau or agency directly responsible for an applicable program, and with the Office for Civil Rights, in performing this task of coordination, and shall require of each bureau or agency, and of the Office for Civil Rights, (A) a detailed justification of how information, once collected, will be used, (B) an estimate of the man-hours required to complete the request in each State, local educational agency, college and university, and other public agency, as applicable, and (C) the source and amount of funds which will be provided or are available to cover the cost of providing the information in each State. The National Center will make this information available to the States, local educational agencies, colleges and universities, and other public agencies, as appropriate. Each State or other agency shall have an opportunity to comment to the Administrator on each proposed application, report or data collection instrument of the Education Division before the Administrator approves the transmittal of the request for clearance to the Office of Management and Budget.

(2) The National Center shall, insofar as practicable, provide States, local educational agencies, colleges and universities, and other public agencies with summaries of the data collected from such agencies or of the evaluations conducted by such agencies.

(i) The National Center shall, insofar as possible, develop a common set of definitions and terms in consultation with each bureau or agency directly responsible for each applicable program.

(j) The National Center shall, upon request, provide the Committee on Education and Labor of the House of Representatives and the Committee on Labor and Public Welfare of the Senate, with objective descriptions of the best manner in which to formulate pending legislation in order to avoid redundant information requests, duplicative forms, or excessive detail.

* * * * * * *

WAIVER OF MAINTENANCE OF EFFORT PROVISION

Sec. 430. The Commissioner may waive for one fiscal year provisions under any applicable program requiring maintenance of effort by local educational agencies, if he, or she determines, upon the application of any such agency, that very exceptional circumstances exist that year which render unattainable the compliance with such provisions and that every possible effort has been made by such agency to comply with such provisions.

* * * * * * *

ADMINISTRATION OF EDUCATION PROGRAMS AND PROJECTS

Sec. 434. (a)(1) * * *

* * * * * * *

(b)(1)(A) In the case of any State which applies, contracts, or submits a plan, for participation in any applicable program in which Federal funds are made available for assistance to local educational agencies through, or under the supervision of the State educational agency of that State, such State shall submit to, and maintain on file with, the Commissioner a general application meeting the requirements of this subsection. *The provisions of the preceding sentence shall also apply in the case of a State or other jurisdiction in which there is only one local educational agency or in which the State educational agency is also the only local educational agency.* Such general application shall (i) provide for the submission by the State and approval by the Commissioner of an annual program plan which respect to the particular programs in which the State desires to participate and (ii) provide assurances—

(I) that the State will, through its State educational agency, provide for such methods of administration as are necessary for the proper and efficient administration of the programs to which the general application applies;

(II) that the State will make provision for such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement of, and accounting for, Federal funds paid to the States under any applicable program;

(III) that the State will make provision for making such reports as the Commissioner may require to carry out his functions;

(IV) that the State will follow such policies and use such methods and practices of administration as will insure that non-Federal funds will not be supplanted by Federal funds; and

(V) that the State will submit to, and have approved by, the Commissioner an annual program plan in accordance with subparagraph (B).

* * * * * * *

RESPONSIBILITY OF STATES TO FURNISH INFORMATION

SEC. 437. (a) The Commissioner shall require that each State submit to him, within [sixty] *ninety* days after the end of any fiscal year, a report on the uses of Federal funds in that State under any applicable program for which the State is responsible for administration. Such report shall—

(1) list all grants and contracts made under such program to the local educational agencies and other public and private agencies and institutions within such State during such year;

(2) include the total amount of funds available to the State under each such program for such fiscal year and specify from which appropriation Act or Acts these funds were available;

(3) with respect to the second preceding fiscal year, include a compilation of reports from local educational agencies and other public and private agencies and institutions within such State which sets forth the amount of such Federal funds received by each such agency and the purposes for which such funds were expended;

(4) with respect to such second preceding fiscal year, include a statistical report on the individuals served or affected by programs, projects, or activities assisted with such Federal funds; and

(5) be made readily available by the State to local educational agencies and other public and private agencies and institutions within the State, and to the public.

(b) On or before [October 15] *March 31* of each year, the Commissioner shall submit to the Committee on Labor and Public Welfare of the Senate and to the Committee on Education and Labor of the House of Representatives an analysis of these reports and a compilation of statistical data derived therefrom.

* * * * * * *

MEMBERSHIP AND REPORTS OF STATUTORY ADVISORY COUNCILS

SEC. 443. (a) * * *

* * * * * * *

[(b) Where the President fails to appoint a member to fill a vacancy in the membership of a Presidential advisory council within sixty days after it occurs (or after the effective date of the statute creating such council), then the Secretary shall immediately appoint a member to fill such vacancy.]

(b) Members of Presidential advisory councils shall continue to serve, regardless of any other provision of law limiting their terms, until the President appoints other members to fill their positions.

* * * * * * *

ADULT EDUCATION ACT

* * * * * * *

USE OF FUNDS FOR SPECIAL EXPERIMENTAL DEMONSTRATION PROJECTS AND TEACHER TRAINING

SEC. 309. Of the funds allotted to a State under section 305 for a fiscal year, not less than [15] *10* per centum shall be used for —

(1) special projects which will be carried out in furtherance of the purposes of this title, and which—

(A) involve the use of innovative methods, systems, materials, or programs which may have national significance or be of special value in promoting effective programs under this title, or

(B) involve programs of adult education which are part of community school programs, carried out in cooperation with other Federal, federally assisted, State, or local programs which have unusual promise in promoting a comprehensive or coordinated approach to the problems of persons with educational deficiencies; and

(2) training persons engaged, or preparing to engage, as personnel in programs designed to carry out the purposes of this title.

* * * * * * *

STATE ADVISORY COUNCILS

SEC. 310A. (a) Any State which receives assistance under this title may establish and maintain a State advisory council, or may designate and maintain an existing State advisory council, which shall be, or has been, appointed by the Governor or, in the case of a State in which members of the State board which governs the State education agency are elected (including election by the State legislature), by such board.

(b)(1) Such a State advisory council shall include as members persons who, by reason of experience or training, are knowledgeable in the field of adult education or who are officials of the State educational agency or of local educational agencies of that State, persons who are or have received adult educational services, and persons who are representative of the general public.

(2) Such a State advisory council, in accordance with regulations prescribed by the Commissioner, shall—

(A) advise the State educational agency on the development of, and policy matters arising in, the administration of the State plan [approval] *approved* pursuant to section 306;

(B) advise with respect to long-range planning and studies to evaluate adult education programs, services, and activities assisted under this Act; and

(C) prepare and submit to the State educational agency, and to the National Advisory Council for Adult Education established pursuant to section 310, an annual report of its recommendations, accompanied by such additional comments of the State educational agency as that agency deems appropriate.

(c) Upon the appointment of any such advisory council, the appointing authority under subsection (a) of this section shall inform the Commissioner of the establishment of, and membership of, its State advisory council. The Commissioner shall, upon receiving such information, certify that each such council is in compliance with the membership requirements set forth in subsection (b)(1) of this section.

(d) Each such State advisory council shall meet within thirty days after certification has been accepted by the Commissioner under subsection (c) of this section and select from among its membership a chairman. The time, place, and manner of subsequent meetings shall be provided by the rules of the State advisory council, except that such rules shall provide that each such council meet at least four times each year, including at least one public meeting at which the public is given the opportunity to express views concerning adult education.

(e) Each such State advisory council is authorized to obtain the services of such professional, technical, and clerical personnel as may be necessary to enable them to carry out their functions under this section.

* * * * * * *

SECTION 652 OF THE EDUCATION OF THE HANDICAPPED ACT

CAPTIONED FILMS AND EDUCATIONAL MEDIA FOR HANDICAPPED PERSONS

SEC. 652. (a) The Commissioner shall establish a loan service of captioned films and educational media for the purpose of making such materials available in the United States for nonprofit purposes to handicapped persons, parents of handicapped persons, and other persons directly involved in activities for the advancement of the handicapped in accordance with regulations.

(b) The Commissioner is authorized to—

(1) acquire films (or rights thereto) and other educational media by purchase, lease, or gift;

(2) acquire by lease or purchase equipment necessary to the administration of this part;

(3) provide, by grant [or] *and* contract, for the captioning of films;

(4) provide, by grant [or] *and* contract, for the distribution of captioned films and other educational media and equipment through State schools for the handicapped and such other agencies as the Commissioner may deem appropriate to serve as local or regional centers for such distribution;

(5) provide, by grant [or] *and* contract, for the conduct of research in the use of educational and training films and other educational media for the handicapped, for the production and distribution of educational and training films and other educational media for the handicapped and the training of persons in the use of such films and media, including the payment to those persons of such stipends (including allowances for travel and other expenses of such persons and their dependents) as he may

determine, which shall be consistent with prevailing practices under comparable federally supported programs;

(6) utilize the facilities and services of other governmental agencies; and

(7) accept gifts, contributions, and voluntary and uncompensated services of individuals and organizations.

Emergency School Aid Act

* * * * * * *

FINDINGS AND PURPOSE

Sec. 702. (a) The Congress finds that the process of eliminating or preventing minority group isolation and improving the quality of education for all children often involves the expenditure of additional funds to which local educational agencies do not have access.

(b) The purpose of this title is to provide financial assistance—

(1) to meet the special needs incident to the elimination of minority group segregation and discrimination among students and faculty in elementary and secondary schools;

* * * * * * *

METROPOLITAN AREA PROJECTS

Sec. 709. (a) Sums available to the *Assistant* Secretary under section 708 for metropolitan area projects shall be available for the following purposes:

(1) A program of grants to, and contracts with, local educational agencies which are eligible under section 706(a)(2) in order to assist them in establishing and maintaining integrated schools as defined in section 720(6).

(2) A program of any grant to groups of local educational agencies located in a Standard Metropolitan Statistical Area for the joint development of a plan to reduce and eliminate minority group isolation, to the maximum extent possible, in the public elementary and secondary schools in the Standard Metropolitan Statistical Area, which shall, as a minimum, provide that by a date certain, but in no event later than July 1, 1983, the percentage of minority group children enrolled in each school in the Standard Metropolitan Statistical Area shall be at least 50 per centum of the percentage of minority group children enrolled in all the schools in the Standard Metropolitan Statistical Area. No grant may be made under this paragraph unless—

(A) two-thirds or more of the local educational agencies in the Standard Metropolitan Statistical Area have approved the application, and

(B) the number of students in the schools of the local educational agencies which have approved the application constitutes two-thirds or more of the number of students in the schools of all the local educational agencies in the Standard Metropolitan Statistical Area.

* * * * * * *

APPLICATIONS

SEC. 710. (a) * * *

* * * * * * *

(13) provides that the applicant has not reduced its fiscal effort *per student* for the provision of free public education for children in attendance of the schools of such agency for the fiscal year for which assistance is sought under this title to less than that of the second preceding fiscal year, and that the current expenditure per pupil which such agency makes from revenues derived from its local sources for the fiscal year for which assistance under this title will be made available to such agency is not less than such expenditure per pupil which such agency made from such revenues for (A) the fiscal year preceding the fiscal year during which the implementation of a plan described in section 706(a)(1)(A) was commenced, or (B) the third fiscal year preceding the fiscal year for which such assistance will be made available under this title, whichever is later;

VOCATIONAL EDUCATION AMENDMENTS OF 1963

* * * * * * *

TITLE I—VOCATIONAL EDUCATION

PART A—GENERAL PROVISIONS

* * * * * * *

PART J—BILINGUAL VOCATIONAL TRAINING

* * * * * * *

AUTHORIZATION OF GRANTS

SEC. 194. (a) From the sums made available for grants under this part pursuant to section 193, the Commissioner is authorized to make grants to and enter into contracts with appropriate State agencies, local educational agencies, postsecondary educational institutions, private nonprofit vocational training institutions, and to other nonprofit organizations especially created to serve a group whose language as normally used is other than English in supplying training in recognized occupations and new and emerging occupations, and to enter into contracts with private for-profit agencies and organizations, to assist them in conducting bilingual vocational training programs for persons of all ages in all communities of the United States which are designed to insure that vocational training programs are available to all individuals who desire and need such bilingual vocational training.

(b) The [Secretary] *Commissioner* shall pay to each applicant which has an application approved under this part an amount equal to the total sums expended by the applicant for the purposes set forth in that application.

* * * * * * *

APPLICATION APPROVAL BY THE COMMISSIONER

Sec. 197. (a) The Commissioner may approve an application for assistance under this part only if—

(1) the application meets the requirements set forth in subsection (a) of the previous section;

(2) in the case of an application submitted for assistance under this part [to] *by* an agency, institution, or organization other than the State board established under part B of this title, the requirement of subsection (b) of the previous section is met; and

(3) in the case of an application submitted for assistance under this part, the Commissioner determines that the program is consistent with criteria established by him, where feasible, after consultation with the State board established under part B of this title, for achieving equitable distribution of assistance under this part within that State.

(b) An amendment to an application shall, except as the Secretary may otherwise provide, be subject to approval in the same manner as the original application.

National Defense Education Act of 1958

* * * * * * *

TITLE I—GENERAL PROVISIONS

FINDINGS AND DECLARATION OF POLICY

Sec. 101.

* * * * * * *

DEFINITIONS

Sec. 103. As used in this Act—

(a) The term "State" means a State, Puerto Rico, the District of Columbia, the Canal Zone, Guam, American Samoa, the Virgin Islands and, for the purposes of titles II, III, and V, the Trust Territory of the Pacific Islands, except that as used in sections 302 and 502, such term does not include [Puerto Rico,] the Canal Zone, Guam, American Samoa, the Virgin Islands, or the Trust Territory of the Pacific Islands.

* * * * * * *

TITLE III—FINANCIAL ASSISTANCE FOR STRENGTHENING INSTRUCTION IN SCIENCE, MATHEMATICS, MODERN FOREIGN LANGUAGES, AND OTHER CRITICAL SUBJECTS

Part A—Grants to States

APPROPRIATIONS AUTHORIZED

Sec. 301.

* * * * * * *

ALLOTMENTS TO STATES

SEC. 302. (a)(1) From the sums appropriated pursuant to the first sentence of section 301 for any fiscal year the Commissioner shall reserve such amount, but not in excess of [3] *1* per centum thereof, as he may determine for allotment as provided in section 1008(A), and such amount, not in excess of 1 per centum thereof, as he may determine for allotment as provided in section 1008(B), and shall reserve 12 per centum for loans authorized in section 305. From the remainder of such sums the Commissioner shall allot to each State an amount which bears the same ratio to the amount of such remainder as the product of—

(A) the school-age population of the State, and

(B) the State's allotment ratio (as determined under paragraph (2)),

bears to the sum of the corresponding products for all the States.

* * * * * * *

TITLE X—MISCELLANEOUS PROVISIONS

* * * * * * *

ALLOTMENTS TO TERRITORIES AND POSESSIONS

SEC. 1008. The amounts reserved by the Commissioner under sections 302, 312, and 502 shal, in accordance therewith, be allotted among—

(A) [Puerto Rico,] the Canal Zone, Guam, American Samoa, the Virgin Islands, and the Trust Territoy of the Pacific Islands according to their respective needs for the type of assistance furnished under the part or title in which the section appears, and

(B) in the case of amounts so reserved under sections 302 and 502, (i) the Secretary of the Interior, according to the need for such assistance in order to effectuate the purposes of such part or title in schools operated for Indian children by the Department of the Interior, and (ii) the Secretary of Defense according to the need for such assistance in order to effectuate the purposes of such part or title in the overseas dependents schools of the Department of Defense. The terms upon which payments for such purpose shall be made to the Secretary of the Interior and the Secretary of Defense shall be determined pursuant to such criteria as the Commissioner determines will best carry out the purposes of this title.

* * * * * * *

ACT OF SEPTEMBER 30, 1950

* * * * * * *

PAYMENTS

Applications

SEC. 5. (a)(1) Any local educational agency desiring to receive the payments to which it is entitled for any fiscal year under sections 2, 3, or 4 shall submit an application therefor through the State educational agency of the State in which such agency is located to the Commissioner. Such applications shall be submitted at such time, in such form, and containing such information as the Commissioner may reasonably require to determine whether such agency is entitled to a payment under any of such sections and the amount of such payment.

(2)(A) Applications submitted under paragraph (1) for payments on the basis of children determined under section 3(a) or 3(b) who reside, or reside with a parent employed, on Indian lands shall set forth adequate assurance that Indian children will participate on an equitable basis in the school program of the local educational agency.

(B) For the purposes of this paragraph, the term "Indian lands" means that property included within the definition of Federal property under clause (A) of section 403(1).

Payments by the Commissioner

(b) The Commissioner shall pay to each local educational agency, making application pursuant to subsection (a), the amount to which it is entitled under sections 2, 3, or 4. Sums appropriated, for any fiscal year, to enable the Commissioner to make payments pursuant to this title shall, notwithstanding any other provision of law unless enacted in express limitation of this subsection, remain available for obligation and payments with respect to amounts due local educational agencies under this title for such fiscal year, until the end of the fiscal year succeeding the fiscal year for which such sums are appropriated.

Adjustments Where Necessitated by Appropriations

(c) If the sums appropriated for any fiscal year for making payments on the basis of entitlements established under sections 2, 3, and 4 for that year are not sufficient to pay in full the total amounts which the Commissioner estimates all local educational agencies are entitled to receive under such sections for such year, the Commissioner shall allocate such sums among local educational agencies and make payments to such agencies as follows:

[(1) He shall first allocate to each local educational agency which is entitled to a payment under section 2 and section 3 an amount equal to 25 per centum of the amount to which it is entitled as computed under section 2 or section 3(d), as the case may be, for the such fiscal year.]

(1) He shall first allocate to each local educational agency which is entitled to a payment under section 2 an amount equal to 100 per centum of the amount to which it is entitled as computed under that section for such fiscal year and he shall further allocate to each local educational agency which is entitled to a payment under section 3 an amount equal to 25 per centum of the amount to which it is entitled as computed under section 3(d) for such fiscal year.

(2) From that part of such sums which remains after the allocation required by paragrahph (1) for any fiscal year, he shall allocate an additional amount—

(A) to each local educational agency described in clause (A) of section 3(d)(1) which equals 75 per centum of the amount to which agency is entitled, as compared under section 3(d) with respect to a determination of a number of children under section 3(a), for such fiscal year;

(B) to each local educational agency with respect to which a number of children is determined under clause (2) of section 3(a) which equals 65 per centum of the amount to which such agency is entitled on the basis of determining such children, as computed under section 3(d), for such fiscal year;

(C) to each educational agency with respect to which a number of children is determined under clause (1) of section 3(a) which equals 63 per centum of the amount to which such agency is entitled on the basis of determining such children, as computed under section 3(d), for such fiscal year;

(D) to each local educational agency with respect to which a number of children is determined under clause (3) of section 3(b) which equals 35 per centum of the amount to which such agency is entitled on the basis of determining such children, as computed under section 3(d), for such fiscal year;

(E) to each local educational agency with respect to which a number of children determined under clause (1) and clause (2)(A) of section 3(b) which equals 32 per centum of the amount to which such agency is entitled on the basis of determining such children, as computed under section 3(d) for such fiscal year.

(F) to each local educational agency with respect to which a number of children is determined under clause (2)(B) of section 3(b) which equals 28 per centum of the amount to which such agency is entitled on the basis of determining such children, as computed under section 3(d), for such fiscal year[; and].

[(G) to each local educational agency with respect to the amount to which such agency is entitled under section 2 which equals 35 per centum of the amount to which such agency is entitled on the basis of computations made under section 2 for such fiscal year].

(3) Any sums remaining after allocations are made pursuant to paragraph (2) for any fiscal year shall be allocated by the Commissioner among local educational agencies which have unsatisfied entitlements established under sections [2, 3,] *3* and 4 in proportion to the degree to which such entitlements are unsatisfied for that fiscal year, after allocations are made pursuant to paragraphs (1) and (2).

No allocation may be made pursuant to paragraph (2) or (3) and no payment may be paid on the basis of any such allocation unless allocations are made pursuant to paragraph (1) and payments are made on the basis of such allocations. No allocation may be made pursuant to any clause of paragraph (2) and no payment may be made on the basis of any such allocation unless allocations are made pursuant to all of the clauses of such paragraph and payments are made on the basis of such allocations.

* * * * * * *

TITLE IV—GENERAL PROVISIONS

ADMINISTRATION

SEC. 401.

(a) (Repealed).

(b) The Commissioner shall administer this Act, and he may make such regulations and perform such other functions as he finds necessary to carry out the provisions of this Act.

DEFINITIONS

SEC. 403.

* * * * * * *

(16) For purposes of title II, the "average per pupil expenditure" in a State, or in the United States, shall be the aggregate current expenditures, during the second fiscal year preceding the fiscal year for which the computation is made (or if satisfactory data for that year are not available at the time of computation, then during the most recent preceding fiscal year for which satisfactory data are available), of all local educational agencies as defined in section 403(6)(B) in the State, or in the United States (which for the purposes of this subsection means the fifty States, and the District of Columbia), as the case may be, plus any direct current expenditures by the State for operation of such agencies (without regard to the source of funds from which either of such expenditures are made), divided by the aggregate number of children in average daily attendance to whom such agencies provided free public education during such preceding year.

(17) For the purposes of title II, "excess costs" means those costs directly attributable to programs and projects which exceed the average per pupil expenditure of a local educational agency in the most recent year for which satisfactory data are available for pupils in the grade or grades included in such programs or projects **[**(but not including**]***; but at the option of a local educational agency, such term need not include* expenditures for any comparable State or local special programs for educationally deprived children or expenditures for bilingual programs or special education for handicapped children or children with specific learning disabilities, if such expenditures for bilingual education and special education are used to provide, to children of limited English-speaking ability and handicapped children, and children with specific learning disabilities who reside in title I project areas, services which are comparable to those provided to similarly disadvantaged children residing in nonproject areas)**]**.

* * * * * * *

ADDITIONAL VIEWS

It is our purpose to bring to the attention of the House the loss of funds to States under the Committee bill.

Beginning in fiscal year 1978, all current categorical programs would be consolidated into one block grant to States except for homemaking education and bilingual vocational education. The separate categories of research, exemplary programs, residential schools, cooperative education, work-study, and curriculum development would be all folded into the present basic State grant.

Using the fiscal year 1976 level of appropriations, virtually all States and the District of Columbia would suffer a loss from their fiscal year 1976 level of funding under the consolidated approach. This loss totals $30,752,798. The following table compares each State's fiscal year 1976 allotment and the estimated allotment under the Committee bill:

FUNDING OF CURRENT PROGRAMS AS COMPARED TO FUNDING UNDER PROPOSED CONSOLIDATION

State	Fiscal year 1976 allotment	Estimated allotment under H.R. 12835	Difference
Alabama	$11, 018, 941	$10, 490, 693. 5	−$528, 247. 5
Alaska	1, 178, 093	721, 517. 8	−456, 575. 2
Arizona	5, 885, 773	5, 451, 454. 0	−434, 319. 0
Arkansas	6, 174, 962	5, 707, 794. 9	−467, 167. 1
California	45, 469, 934	44, 750, 679. 2	−719, 254. 8
Colorado	6, 904, 722	6, 422, 102. 6	−482, 619. 4
Connecticut	6, 297, 035	5, 822, 666. 4	−474, 368. 6
Delaware	1, 642, 110	1, 207, 463. 6	−434, 646. 4
District of Columbia	1, 860, 261	1, 421, 370. 3	−438, 890. 7
Florida	18, 656. 094	17, 748, 571. 2	−907, 522. 8
Georgia	14, 187, 063	13, 527, 578. 0	−659, 485. 0
Hawaii	2, 345, 430	1, 976, 063. 2	−369, 366. 8
Idaho	2, 702, 189	2, 204, 314. 8	−497, 874. 2
Illinois	23, 657, 613	22, 464, 565. 8	−1, 193, 047. 2
Indiana	14, 056, 991	13, 294, 379. 2	−762, 611. 8
Iowa	7, 732, 787	6, 852, 440. 7	−880, 346. 3
Kansas	6, 218, 164	5, 510, 354. 5	−707, 809. 5
Kentucky	10, 266, 979	9, 679, 927. 2	−587, 051. 8
Louisiana	11, 906, 325	11, 362, 457. 1	−544, 367. 9
Maine	3, 378, 953	2, 955, 284. 0	−423, 669. 0
Maryland	9, 726, 944	9, 107, 933. 3	−619, 010. 7
Massachusetts	13, 302, 456	13, 113, 769. 8	−188, 686. 2
Michigan	21, 982, 471	20, 531, 579. 3	−1, 450, 891. 7
Minnesota	10, 501, 637	9, 639, 195. 0	−862, 172. 0
Mississippi	7, 523, 525	7, 081, 491. 1	−492, 033. 9
Missouri	12, 393, 292	11, 930, 685. 3	−462, 606. 7
Montana	2, 486, 809	2, 018, 515. 4	−468, 293. 6
Nebraska	4, 331, 262	3, 816, 012. 8	−515, 249. 2
Nevada	1, 534, 702	1, 109, 076. 2	−425, 625. 8
New Hampshire	2, 396, 871	1, 994, 979. 6	−401, 891. 4
New Jersey	14, 570, 346	13, 756, 380. 3	−813, 965. 7
New Mexico	3, 866, 603	3, 420, 221. 6	−446, 381. 4
New York	35, 227, 621	35, 375, 329. 5	(+147, 708. 5)
North Carolina	16, 265, 019	15, 421, 126. 3	−843, 892. 7
North Dakota	2, 358, 966	1, 596, 757. 8	−762, 208. 2
Ohio	26, 884, 590	25, 938, 352. 4	−946, 237. 6
Oklahoma	7, 881, 202	7, 368, 079. 1	−513, 122. 9
Oregon	6, 141, 918	5, 565, 014. 5	−576, 903. 5
Pennsylvania	28, 800, 196	27, 775, 581. 7	−1, 024, 614. 3
Puerto Rico	9, 030, 960	9, 317, 680. 6	(+286, 720. 6)
Rhode Island	2, 790, 232	2, 387, 990. 0	−402, 242. 0
South Carolina	9, 043, 381	8, 536, 922. 3	−504, 458. 7
South Dakota	2, 501, 524	1, 990, 487. 9	−511, 036. 1
Tennessee	12, 373, 552	11, 650, 160. 2	−723, 391. 8
Texas	33, 254, 247	32, 380, 497. 3	−873, 749. 7
Utah	4, 049, 067	3, 620, 505. 8	−428, 561. 2
Vermont	1, 749, 409	1, 326, 614. 4	−422, 794. 6
Virginia	13, 580, 364	12, 644, 947. 8	−935, 416. 2
Washington	8, 957, 355	8, 222, 471. 8	−734, 883. 2
West Virginia	5, 561, 972	5, 104, 880. 5	−457, 091. 5
Wisconsin	12, 263, 126	11, 694, 268. 9	−568, 857. 1
Wyoming	1, 345, 786	938, 499. 1	−407, 286. 9
Federal total	546, 218, 054	515, 899, 685. 6	−30, 752, 797. 5

The reason for this loss is directly attributable to the fact that the Committee bill first reserves 5 percent of the total appropriations for the Commissioner of Education for programs of national significance and another 1 percent to the Bureau of Indian Affairs. Thus, the total sums distributed to States after these reservations of funds under the Committee bill are less than those allotted to States in fiscal year 1976.

The Committee bill does contain a "hold harmless" provision so that no State would receive less under the consolidated approach than it received in fiscal year 1976 under the categorical programs. This means that a minimum of $576,970,852 would be need in fiscal year 1978 to hold all States harmless, an increase of over $30 million from the fiscal year 1976 appropriation.

In expressing our strong reservations on the loss of funding to States under the Committee bill, we hope that the additional funds would be made available in fiscal year 1978 to carry out the hold harmless provision.

Patsy T. Mink.
James M. Jeffords.
Larry Pressler.